

1044b UIC - EAST POPLAR OIL FIELD  
ENFORCEMENT CASE SDWA 1431  
Folder ID: 13602 2001 Privileged

Release  
in  
Full

107-7 CIVIL LAW DEPOSITION  
RECEIVED AFTER OCTOBER 3, 2001

East Poplar Oil Field  
Enforcement C

DEPOSITION - TRIVIAN GI

Region 8



13602

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

\*\*\*\*\*  
CARY G. YOUPEE, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shanstrom

MESA PETROLEUM and PIONEER  
NATURAL RESOURCES, USA, INC.,

Defendants/  
Third Party Plaintiffs &  
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP.  
BESTWAY INC.; WESTDALE  
PETROLEUM INC.; and THE  
PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 4-50,

Cross-Defendants.

DEPOSITION

OF

TRIVIAN GRAINGER

\*\*\*\*\*

TIME: Tuesday, June 12, 2001 at 2:11 p.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

Joann D. Hesel  
Official Court Reporter  
Fifteenth Judicial District  
Roosevelt County Courthouse  
Wolf Point, Montana 59201  
Ph. (406) 653-6272  
Home: (406) 525-3712

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

APPEARANCES

ATTORNEY FOR PLAINTIFFS:

Richard J. Dolan, Esq.  
GOETZ, GALLIK, BALDWIN & DOLAN, P.C.  
The Ketterer Building  
35 North Grand  
P.O. Box 6580  
Bozeman, Montana 59771-6580

ATTORNEY FOR MURPHY EXPLORATION & PRODUCTION COMPANY:

Michael E. Webster, Esq.  
CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH  
490 North 31st Street  
Billings, Montana 59101

ATTORNEY FOR MARATHON OIL COMPANY:

Gerry P. Fagan, Esq.  
MOULTON, BELLINGHAM, LONGO & MATHER, P.C.  
Suite 1900, Sheraton Plaza  
P.O. Box 2559  
Billings, Montana 59103

ATTORNEY FOR PIONEER NATURAL RESOURCES COMPANY:

John Walker Ross, Esq.  
BROWN LAW FIRM, P.C.  
P.O. Drawer 849  
315 North 24th Street  
Billings, Montana 59103-0849

ATTORNEY FOR SAMSON HYDROCARBONS:

Robert L. Sterup, Esq.  
DORSEY & WHITNEY  
1200 First Interstate Center  
401 North 31st Street  
P.O. Box 7188  
Billings, Montana 59103

INDEX

DEPONENT:

TRIVIAN GRAINGER:

	<u>Page</u>
EXAMINATION BY MR. FAGAN . . . . .	4
EXAMINATION BY MR. ROSS . . . . .	25
EXAMINATION BY MR. STERUP . . . . .	29
EXAMINATION BY MR. WEBSTER . . . . .	31
CERTIFICATE OF COURT REPORTER . . . . .	38
DEPONENT'S CERTIFICATE . . . . .	39
CORRECTIONS TO DEPOSITION . . . . .	40

EXHIBITS

	<u>Page</u>
32 DNRC Well Log Report, Howard Grainger . . . . .	28
33 U.S. Bureau of Indian Affairs Lease Renz-Fort Peck Housing Authority . . . . .	28

1 BE IT REMEMBERED: That the oral deposition of  
2 TRIVIAN GRAINGER was taken at 2:11 p.m. on the 12th day of  
3 June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf  
4 Point, Montana, with the appearances of counsel  
5 hereinbefore noted, before Joann D. Heser, Official Court  
6 Reporter and Notary Public for the State of Montana.

7 The following proceedings were had:

8 -----

9 Whereupon,

10 TRIVIAN GRAINGER,

11 called for examination, and being first duly sworn upon her  
12 oath, testified as follows:

13 EXAMINATION BY MR. FAGAN:

14 Q Hi, Trivian. My name is Gerry Fagan. I represent  
15 Marathon Oil. I hope you don't mind me calling you  
16 Trivian?

17 A No.

18 Q Am I pronouncing it right?

19 A Yeap.

20 Q Have you ever been deposed before?

21 A Yes.

22 Q What context was that in?

23 A It was a lawsuit I had against Yellowstone County.

24 Q Excuse me, against Yellowstone County, wherein you  
25 were plaintiff?

26 A Was it what?

27 Q It was a case against Yellowstone County, is that  
28

1 correct?

2 A Yes.

3 Q And you were a plaintiff?

4 A Um-hm. Yes.

5 Q What was the case about?

6 A Um, wrongful death.

7 Q Involving who?

8 A Involving my husband.

9 Q Explain the circumstances a bit.

10 A He committed suicide while he was in jail.

11 Q In Yellowstone County?

12 A Yes.

13 Q What year was that?

14 A In '95.

15 Q And what was the outcome of that case?

16 A We settled out of Court.

17 Q Have you ever been deposed any other time?

18 A No.

19 Q So do you understand what we're doing here today  
20 and how a deposition works?

21 A Yes.

22 Q That you're under oath?

23 A Yes.

24 Q If I have any questions that confuse you or you  
25 don't understand it, please just stop me from -----

26 A Alright.

27 Q Make sure I phrase it correctly. You received a  
28

1 notice of the deposition today?

2 A Yes.

3 Q And it asked you to bring any documents that might  
4 be relevant?

5 A Yes, he did.

6 Q Did you bring any?

7 A No, I didn't.

8 Q So you don't have any relevant documents that you  
9 haven't already given to Mr. Dolan?

10 A No.

11 Q What's your occupation?

12 A I'm a teacher in the Head Start program.

13 Q How long have you been a teacher?

14 A Twenty-five years.

15 Q What kind of education do you have?

16 A Um, right now I'm working towards my A.A. in  
17 education?

18 Q What is an A.A. in education? What does that  
19 stand for?

20 A Associate of Arts or something, I don't know. I'm  
21 nervous.

22 Q You don't need to be nervous. If you need to take  
23 a break at any time, just tell us.

24 A I've got all these dates in my head that I'm  
25 trying to keep straight.

26 Q Just take your time and -- It's not a test, so.  
27 And if you need a break, just tell us, and we'll certainly  
28



1 give you a break.

2 A Alright.

3 Q We're not trying to trip you up on something  
4 you've already said and you're going to give us different  
5 dates. Do you have other family members involved in this  
6 lawsuit?

7 A My daughter, Denise.

8 Q And I think we deposed her yesterday. Have you  
9 talked with her?

10 A Um, yeap, I have.

11 Q About the deposition?

12 A Yes.

13 Q What did you talk about?

14 A Um, I just asked her how many lawyers there were  
15 and where it was at, because I didn't know where to go to.

16 Q If it was scary and that kind of stuff?

17 A No, I'd already been through it before. It's  
18 always scary, I guess.

19 Q How do you own the property, Trivian, that's at  
20 issue in this case?

21 A I inherited it when my husband died.

22 Q And do you own it in fee?

23 A Yes.

24 Q And how many acres do you have?

25 A There's twenty there. I own half.

26 Q You own half of the twenty?

27 A Yes.

28

1 Q And who do you own it with?

2 A My niece.

3 Q What's her name?

4 A Marissa Buckles.

5 Q And does she live on the property?

6 A No.

7 Q But you do, right?

8 A Yes.

9 Q How long have you lived on the property?

10 A Since 1983.

11 Q And who do you live there with?

12 A I live with my three sons and my daughter.

13 Q Are they all plaintiffs in this case?

14 A Yes.

15 Q Have they all lived on there the entire time that  
16 you've lived on there?

17 A Yes.

18 Q And they all live on there still?

19 A Yes.

20 Q All in the same home?

21 A Yeap.

22 Q Where did you live before moving onto the  
23 property?

24 A We lived in town in Poplar.

25 Q And so you went from Poplar to the property in  
26 '83, is that right?

27 A It's about five miles out.

28

1 Q How many water wells do you have on the property?

2 A Um, two.

3 Q And are they -----

4 A Three with Denise's.

5 Q And which two do you have, are they monitoring  
6 wells? Do they have a designation?

7 A Well, there's an old well there that was there for  
8 years before we moved. And when we got our house in '89,  
9 they put a different well there for us. And then Denise  
10 had a separate well.

11 Q So the two wells you're talking about on your  
12 property, one of them -----

13 A All three of them are.

14 Q Yeah, excluding Denise's.

15 A No, Denise leases from me. She's living on my  
16 land.

17 Q Okay. So there's three wells total. One of them  
18 is Denise's. Two of them are for your use. Is that right?

19 A I don't use one.

20 Q That's the old one.

21 A Um-hm. (Indicates yes.)

22 Q Is that one capped over or closed up?

23 A Nope.

24 Q It's still there, you just don't use it?

25 A We have it separate. It's by some corrals where  
26 we used to water our horses.

27 Q But you don't use that well for any purpose?

28

1 A No.

2 Q When was the last time you used that well for  
3 anything?

4 A In '95.

5 Q And what purpose was that?

6 A It was for watering the horses.

7 Q And did you quit in '95 and start using your other  
8 well?

9 A No, the separate well we were using for our house  
10 was since 1989 when I moved into our house.

11 Q When made you quit using the other well in '95 to  
12 water the horses?

13 A We sold our horses, and I had no use for it.

14 Q So you no longer have horses to water, is that ---  
15 --

16 A No.

17 Q So, just so I understand, so I'm clear, that old  
18 well, after you drilled your new well in 1989, you only  
19 used the old well to water your horses?

20 A Since '89?

21 Q Um-hm.

22 A Yes.

23 Q And then when you got rid of your horses in '95,  
24 you quit using that old well all together?

25 A Yes.

26 Q What is the designation of the well that you  
27 drilled in 1989? Is it M38?

28

1 A Yes.

2 Q And does Denise have M36? Does that sound right?

3 A Um, I really don't know what her's is.

4 Q Where's your well in relation to your house?

5 A Just a few feet north.

6 Q And where is your septic tank?

7 A It's southeast -- a few feet southeast of the  
8 house.

9 Q And I think we established that that well M38 was  
10 drilled in 1989, is that correct?

11 A Yes.

12 Q What caused you to drill a new well in '89?

13 A Housing said they had to do that. I don't know.  
14 Fort Peck Housing. They said everybody had to have a new  
15 well and, um, I just went along with it.

16 Q You hadn't contacted them in advance about the new  
17 well?

18 A Well, see, when we were going to have the house  
19 built there, they said they were going to drill us a new  
20 well.

21 Q Were you building a new house in '89?

22 A That's the one we moved into, yeah. Must have  
23 been in '88, because we moved in '89.

24 Q You moved into the property in '83, right?

25 A Yes.

26 Q Where did you live at from '83 to '89 then?

27 A Just a few feet north.

28

1 Q Of where you live now?

2 A Yes.

3 Q So was it a trailer or an old house?

4 A It was a double-wide trailer, yeah.

5 Q So in '89, you built a new house and got rid of  
6 the trailer?

7 A Around '88, because we moved in '89.

8 Q So in conjunction with getting a new home, you got  
9 a new well, too?

10 A Yes.

11 Q Now, when you moved onto the property in '83, how  
12 was the water, the quality?

13 A It was pretty bad. It was -- but that came from  
14 the water we had then in '83 was coming from the old well.

15 Q And that was -- the water quality was pretty bad  
16 in '83?

17 A The water quality was bad in '83. Oh, yeah.

18 Q In terms of what, what was bad about it?

19 A Well, you couldn't use the water to wash clothes.  
20 You couldn't -- it was alright to drink. I mean, at least,  
21 we drank it at the time because there was no other choice.  
22 I suppose we could have hauled water, I don't know. But,  
23 anyway, we couldn't use it for anything. When you tried  
24 watering your grass, trees, whatever, they didn't grow.  
25 Anything you planted, a garden, wouldn't grow.

26 Q And this was beginning in '83 when you moved?

27 A It was in '83.

28

1 Q So from the very start when you got on that  
2 property, the water wasn't very good?

3 A Yes.

4 Q But you did drink it because you had no choice?

5 A We did.

6 Q And how long did you drink the water out of that  
7 well?

8 A Um-m.

9 Q The entire time until you drilled the new well in  
10 '89?

11 A Yes.

12 Q Did that water have a -- any kind of a taste to  
13 it, a certain taste? was it salty?

14 A It didn't seem to be at first, no.

15 Q Did it become later?

16 A It started getting a little bit worse later on.

17 Q This is later in the '80's?

18 A It had a funny smell to it.

19 Q Can you describe that smell?

20 A Oh, kind of a -- I don't know. The only way I can  
21 describe it is if you drive by a sewer lagoon or something  
22 and -- is what it smelled like. You'd have to run the  
23 water for a while. Turn the faucet on and leave it running  
24 for a while in order for it to get a little bit clearer.  
25 It was kind of a blackish colored.

26 Q Did you have any rust color in it? any orange  
27 color?  
28

1           A     If you used the hot water, it poured out the rust  
2 more. But if you just ran cold, it wasn't as bad. You  
3 didn't really notice it that much.

4           Q     But even when it was cold, you still got the black  
5 flecks in it?

6           A     Yes.

7           Q     And that was from the very start from '83?

8           A     Yes.

9           Q     Now, when you drilled a new well in '89, what was  
10 that water like?

11          A     It was about the same.

12          Q     Same quality?

13          A     Yeah. But then we had our water softener put in,  
14 too, so.

15          Q     Was that in '89?

16          A     In '89.

17          Q     Did that make a difference?

18          A     It seemed to.

19          Q     And do you still use that?

20          A     We're still using it.

21          Q     And in conjunction with drilling a new well and  
22 building a new house, you put in a water treatment system?

23          A     Yes.

24          Q     And that was, hopefully, to address the problems  
25 you'd been having with the well, with the quality?

26          A     We thought it would.

27          Q     And did it help for a while?

28



1           A   Well, it -- yeah, it took a little bit of the rust  
2 out, but not -- we never could hardly -- we never used the  
3 washer and the dryer very much because it left these big,  
4 kind of like oil stains or grease stains or something on  
5 your clothes.

6           Q   Did you ever notice a greasy film on the water?

7           A   Oh, yeah.   If you made tea or, you know,  
8 something, there'd always be that heavy film on the top.

9           Q   Even from '83 on?

10          A   Yeap.   I would have to say way back then.

11          Q   Did that concern you at all?   Did it worry you  
12 about -- make you worry about your health in terms of  
13 drinking it?

14          A   Well, we were always concerned about the water  
15 but, I don't know, like I said, back then we just figured -  
16 - I mean, I don't know, I thought it was from the old well.  
17 I mean, being that old.   And so I thought it would clear up  
18 more after we were getting our new house, but it never did.

19          Q   Did that make you wonder why?

20          A   Oh, yeah, it did, but I don't know.   Like I said,  
21 if you run the water long enough, some of it seemed to  
22 clear a little bit.

23          Q   Did you ever wonder why it was caused like that --  
24 what might have caused the water to be of that quality?  
25 Who could be responsible for it, if anybody?

26          A   Well, we never lived in the country before.   We  
27 hadn't ever lived in the country before so I just assumed  
28

1 that's how the water was.

2 Q Did you ever talk with any neighbors or friends or  
3 relatives about their water?

4 A No.

5 Q Did you ever talk to Tribal officials or health  
6 officials?

7 A No.

8 Q Did you ever have water samples tested?

9 A I don't think until -- I don't -- I really don't  
10 know. I can't remember. My husband used to do all that.  
11 He did everything, so I was always just going about my  
12 business.

13 Q You know, in terms of the water?

14 A I mean, if there's something bothered him or  
15 bothered us, he would always take care of it. I never had  
16 to do any of that until '95.

17 Q And what's your husband's name?

18 A Howard.

19 Q And when did he die?

20 A In '95.

21 Q So then did you take over those kind of things?

22 A Yes, I had to.

23 Q Did you start talking with people in '95 about the  
24 water?

25 A No, because our softener seemed to take care of  
26 some of it, but -- I never really talked to our neighbors.  
27 I mean, we're not that close. We live miles apart, and I  
28

1 guess I never really -- I'm kind of a loner. I don't  
2 really associate that much with them.

3 Q Did you ever wonder if maybe the oil field  
4 activity might be causing the water to be bad?

5 A I know they're all around the house there, but --  
6 I don't know. I guess I never really paid any attention  
7 to it.

8 Q Sounds like you never really thought of the cause  
9 to much. You didn't really -- It wasn't something you  
10 dwelled on?

11 A No, we got a report sometime in -- oh, I think it  
12 was in '90 sometime, anyway, about -- Well, they came  
13 over to test our water was what happened.

14 Q Who was that? Who was they?

15 A Ah-h, some people from the Tribe. I really don't  
16 know if it was Deb Madison's office or -- or they've had  
17 something to do -- I don't know who they were. They just  
18 asked if they could test our water, and they took some  
19 samples.

20 A And do you recall when that was approximately?

21 A I think it was in ninety -- have to be past '95  
22 'cause my husband wasn't there.

23 Q Was that the first you heard of somebody wanting  
24 to test your water?

25 A Um-hm. Yes.

26 Q And how's the water from M38 changed since '89?  
27 Has it gotten worse, stayed the same, gotten better?

28

1           A     Since '89?

2           Q     Um-hm, since you drilled it?

3           A     Well, like I said, it seems to be more oily and  
4 salt -- salty. You can't drink -- You know, you have to  
5 leave your water running. We haven't drank that water for  
6 years. But you have to leave it running and running, and  
7 some of it clears up.

8           Q     When do you think you quit drinking that water,  
9 Trivian?

10          A     Um, I'd have to say at least ten years ago.

11          Q     In the last ten years, what did you use for  
12 drinking water then?

13          A     We'd haul our water.

14          Q     Did you go to town and buy it, bring it back?

15          A     Yes.

16          Q     Now, in one of the documents that Mr. Dolan  
17 supplied to us, he says that the Graingers stopped --  
18 referring to your family -- stopped drinking the water  
19 around mid 1999.

20          A     Ninety-nine?

21          Q     Is that wrong? Do you think it's a typo, meant to  
22 be '89?

23          A     It has to be because I know it's been over about  
24 ten years or more.

25          Q     So since 1989, have you used the water for other  
26 purposes?

27          A     Just bathing, washing dishes.

28

1 Q Did you ever notice any skin problems from using  
2 the water to bathe?

3 A Well, a lot of us have developed rashes every now  
4 and then, but.

5 Q And do you blame bathing in the water on that? or  
6 for that?

7 A I haven't gone to the doctor. I never asked them  
8 if that's what it was, but I know. . .

9 Q So you never discussed the rashes with a doctor?

10 A Um, no. I haven't.

11 Q Had any things like open sores on your body or any  
12 of your family members from bathing?

13 A No.

14 Q How about dry skin?

15 A Well, dry skin, sure, but you can blame the  
16 weather for that, too, I guess. I don't know.

17 Q How close is Denise's house to your house?

18 A About -- it's walking distance.

19 Q She testified yesterday that she thought it might  
20 be about a football field away. Does that sound  
21 reasonable?

22 A That's about right.

23 Q And it sounds like your two wells, yours and the  
24 one that Denise uses, M38 and M36, are about the same  
25 distance as the houses?

26 A Yes.

27 Q Do you know what kind of water Denise has?

28

1           A     I remember when the guy put in my service soft  
2 tank, he said -- um, he put one in for Denise, too. And he  
3 said, your water's pretty bad, but, he said, your  
4 daughter's is worse. That's all he said.

5           Q     Have you ever talked with Denise about it?

6           A     No, not really. We just keep buying the salt and  
7 keeping our tanks full and. . .

8           Q     I think you said that you no longer watered the  
9 horses beginning in 1995, is that right?

10          A     We sold them.

11          Q     How about irrigating or watering gardens and  
12 plants and things like that?

13          A     No, by then I had quit trying to grow a garden  
14 'cause it would never grow.

15          Q     Even -- is this going back to 1983?

16          A     We started in '83 trying to.

17          Q     And even from then, you just couldn't get it to  
18 grow?

19          A     No.

20          Q     When do you think you gave up on trying to get it  
21 to grow?

22          A     Maybe eight years or so after that.

23          Q     Maybe around 1990 then?

24          A     Around there, in '91 maybe.

25          Q     Do you know how many water samples have been taken  
26 from M38 in total?

27          A     From?

28

1 Q From your well?

2 A You mean, since we've been there?

3 Q Um-hm. (Indicates yes.)

4 A I really don't know.

5 Q Have you ever heard if there was any indication  
6 that there's benzene in that well?

7 A Yes.

8 Q You have heard that there is an indication of  
9 benzene?

10 A Yes.

11 Q When was that? When did you hear about that?

12 A My daughter came back and told me about it. She  
13 was working for Environmental Health at the time. And she  
14 said, she wanted to move off from -- move away -- move out  
15 of there. And I said, why? And she said, I think I'm  
16 exposing my kids to cancer. And I said, what makes you  
17 think that? And she brought out a report and showed it to  
18 me. I tried to find the report, but I couldn't find it  
19 today.

20 Q Do you recall which party had produced that  
21 report? Was it a USGS report or -----

22 A Ken Hull.

23 Q And it said that your well, M38, had benzene?

24 A No, it just said that in the east Poplar oil  
25 field.

26 Q So in the area?

27 A Um-hm. (Indicates yes.)

28

1 Q But in terms of your specific well, no one's ever  
2 told you there was benzene in that well, is that right?

3 A Not so far.

4 Q And I think you said earlier that there's quite a  
5 bit of oil activity around your property on oil wells?

6 A Yes.

7 Q Is there a lot of seismograph activity?

8 A There used to be.

9 Q When was that?

10 A When we first moved there.

11 Q So in the early to mid-80's?

12 A Um-hm. Yes.

13 Q When did that quit? Do you recall when that  
14 slowed up?

15 A No, I can't recall.

16 Q So you've never really talked with friends or  
17 relatives or acquaintances about whether the oil companies  
18 might be at the root of this bad water problem, is that  
19 right?

20 A That's right.

21 Q Rene Martell was here yesterday, and he was  
22 deposed, and he told us that he was aware of a lawsuit back  
23 twenty years ago probably in which Murphy Oil, an oil  
24 company working out of Poplar oil fields, was sued by a  
25 farmer by the name of Bud Lien over ground water  
26 contamination. Did you ever hear about that lawsuit?

27 A I heard about it through him.

28



1 Q Through Rene?

2 A Um-hm. Yes.

3 Q When did Rene tell you about that?

4 A When he approached me about this lawsuit.

5 Q What did he tell you about that, the previous  
6 lawsuit?

7 A He said -- you mean, the Bud Lien one?

8 Q Yeah, the Bud Lien.

9 A He just mentioned it to me, and he asked me if I  
10 had heard about it. And I said, no.

11 Q So the first you'd heard of it was from Rene?

12 A Yes.

13 Q What was Rene saying about the Bud Lien case?

14 A He didn't have too much to say. He just asked me  
15 if I had heard about that lawsuit, and I told him no.

16 Q Did he say anything else about it?

17 A No.

18 Q Did he tell you what the outcome was?

19 A No, he didn't.

20 Q Have you ever talked, to the best of your  
21 knowledge, to any Marathon Oil employee?

22 A No.

23 Q How about Texas Oil and Gas?

24 A No.

25 Q Are you aware of any wells owned or operated by  
26 either of those companies?

27 A No.

28

1  
2  
3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE DISTRICT OF MONTANA  
5 BILLINGS DIVISION  
6  
7 CARY G. YOUPEE, et al.,  
8  
9 Plaintiffs,  
10  
11 vs.  
12 MURPHY OIL USA, INC., et al.,  
13  
14 Cause No. CV 98-108-BLG-JDS  
15 Defendants.  
16 Judge Jack D. Shanstrom  
17  
18 MESA PETROLEUM and PIONEER  
19 NATURAL RESOURCES, USA, INC.,  
20  
21 Defendants/  
22 Third Party Plaintiffs &  
23 Cross Plaintiffs,  
24  
25 vs.  
26 AMARCO RESOURCES CORP.  
27 BESTWAY INC.; WESTDALE  
28 PETROLEUM INC.; and THE  
PRUDENTIAL GROUP,  
Third Party Defendants,  
vs.  
JOHN DOES 4-50,  
Cross-Defendants.  
TIME: Tuesday, June 12, 2001 at 2:11 p.m.  
PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

APPEARANCES

ATTORNEY FOR PLAINTIFFS:  
Richard J. Dolan, Esq.  
GOETZ, GALLIK, BALDWIN & DOLAN, P.C.  
The Ketterer Building  
35 North Grand  
P.O. Box 6580  
Bozeman, Montana 59711-6580

ATTORNEY FOR MURPHY EXPLORATION & PRODUCTION COMPANY:  
Michael E. Webster, Esq.  
CROWLEY, HAUGHEY, HANSON, TOOLE & DIETRICH  
490 North 31st Street  
Billings, Montana 59101

ATTORNEY FOR MARATHON OIL COMPANY:  
Gerry P. Fagan, Esq.  
MOULTON, BELLINGHAM, LONGO & MATHER, P.C.  
Suite 1900, Sheraton Plaza  
P.O. Box 2559  
Billings, Montana 59103

ATTORNEY FOR PIONEER NATURAL RESOURCES COMPANY:  
John Walker Ross, Esq.  
BROWN LAW FIRM, P.C.  
P.O. Drawer 849  
315 North 24th Street  
Billings, Montana 59103-0849

ATTORNEY FOR SAMSON HYDROCARBONS:  
Robert L. Sterup, Esq.  
DORSEY & WHITNEY  
1200 First Interstate Center  
401 North 31st Street  
P.O. Box 7188  
Billings, Montana 59103

1	<u>INDEX</u>	
2		
3	DEPONENT:	
4	TRIVIAN GRAINGER:	
5	EXAMINATION BY MR. FAGAN . . . . .	<u>Page</u> 4
6	EXAMINATION BY MR. ROSS . . . . .	25
7	EXAMINATION BY MR. STERUP . . . . .	29
8	EXAMINATION BY MR. WEBSTER . . . . .	31
9	CERTIFICATE OF COURT REPORTER . . . . .	38
10	DEPONENT'S CERTIFICATE . . . . .	39
11	CORRECTIONS TO DEPOSITION . . . . .	40
12		
13		
14		
15		
16		
17	<u>EXHIBITS</u>	
18	32 DNRC Well Log Report, Howard Grainger . . . . .	28
19	33 U.S. Bureau of Indian Affairs Lease Renz-Fort Peck Housing Authority . . . . .	28
20		
21		
22		
23		
24		
25		
26		
27		
28		

Page 4

1 BE IT REMEMBERED: That the oral deposition of  
2 TRIVIAN GRAINGER was taken at 2:11 p.m. on the 12th day of  
3 June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf  
4 Point, Montana, with the appearances of counsel  
5 hereinbefore noted, before Joann D. Hescr, Official Court  
6 Reporter and Notary Public for the State of Montana.  
7 The following proceedings were had:  
8  
9 Whereupon,  
10 TRIVIAN GRAINGER,  
11 called for examination, and being first duly sworn upon her  
12 oath, testified as follows:  
13 EXAMINATION BY MR. FAGAN:  
14 Q Hi, Trivian. My name is Gerry Fagan. I represent  
15 Marathon Oil. I hope you don't mind me calling you  
16 Trivian?  
17 A No.  
18 Q Am I pronouncing it right?  
19 A Yeap.  
20 Q Have you ever been deposed before?  
21 A Yes.  
22 Q What context was that in?  
23 A It was a lawsuit I had against Yellowstone County.  
24 Q Excuse me, against Yellowstone County, wherein you  
25 were plaintiff?  
26 A Was it what?  
27 Q It was a case against Yellowstone County, is that  
28

Page 5

Page 7

1 correct?  
 2 A Yes.  
 3 Q And you were a plaintiff?  
 4 A Um-hm. Yes.  
 5 Q What was the case about?  
 6 A Um, wrongful death.  
 7 Q Involving who?  
 8 A Involving my husband.  
 9 Q Explain the circumstances a bit.  
 10 A He committed suicide while he was in jail.  
 11 Q In Yellowstone County?  
 12 A Yes.  
 13 Q What year was that?  
 14 A In '95.  
 15 Q And what was the outcome of that case?  
 16 A We settled out of Court.  
 17 Q Have you ever been deposed any other time?  
 18 A No.  
 19 Q So do you understand what we're doing here today  
 20 and how a deposition works?  
 21 A Yes.  
 22 Q That you're under oath?  
 23 A Yes.  
 24 Q If I have any questions that confuse you or you  
 25 don't understand it, please just stop me from ----  
 26 A Alright.  
 27 Q Make sure I phrase it correctly. You received a  
 28

1 give you a break.  
 2 A Alright.  
 3 Q We're not trying to trip you up on something  
 4 you've already said and you're going to give us different  
 5 dates. Do you have other family members involved in this  
 6 lawsuit?  
 7 A My daughter, Denise.  
 8 Q And I think we deposed her yesterday. Have you  
 9 talked with her?  
 10 A Um, yeah, I have.  
 11 Q About the deposition?  
 12 A Yes.  
 13 Q What did you talk about?  
 14 A Um, I just asked her how many lawyers there were  
 15 and where it was at, because I didn't know where to go to.  
 16 Q If it was scary and that kind of stuff?  
 17 A No, I'd already been through it before. It's  
 18 always scary, I guess.  
 19 Q How do you own the property, Trivian, that's at  
 20 issue in this case?  
 21 A I inherited it when my husband died.  
 22 Q And do you own it in fee?  
 23 A Yes.  
 24 Q And how many acres do you have?  
 25 A There's twenty there. I own half.  
 26 Q You own half of the twenty?  
 27 A Yes.  
 28

Page 6

Page 8

1 notice of the deposition today?  
 2 A Yes.  
 3 Q And it asked you to bring any documents that might  
 4 be relevant?  
 5 A Yes, he did.  
 6 Q Did you bring any?  
 7 A No, I didn't.  
 8 Q So you don't have any relevant documents that you  
 9 haven't already given to Mr. Dolan?  
 10 A No.  
 11 Q What's your occupation?  
 12 A I'm a teacher in the Head Start program.  
 13 Q How long have you been a teacher?  
 14 A Twenty-five years.  
 15 Q What kind of education do you have?  
 16 A Um, right now I'm working towards my A.A. in  
 17 education?  
 18 Q What is an A.A. in education? What does that  
 19 stand for?  
 20 A Associate of Arts or something, I don't know. I'm  
 21 nervous.  
 22 Q You don't need to be nervous. If you need to take  
 23 a break at any time, just tell us.  
 24 A I've got all these dates in my head that I'm  
 25 trying to keep straight.  
 26 Q Just take your time and -- It's not a test, so.  
 27 And if you need a break, just tell us, and we'll certainly  
 28

1 Q And who do you own it with?  
 2 A My niece.  
 3 Q What's her name?  
 4 A Marissa Buckles.  
 5 Q And does she live on the property?  
 6 A No.  
 7 Q But you do, right?  
 8 A Yes.  
 9 Q How long have you lived on the property?  
 10 A Since 1983.  
 11 Q And who do you live there with?  
 12 A I live with my three sons and my daughter.  
 13 Q Are they all plaintiffs in this case?  
 14 A Yes.  
 15 Q Have they all lived on there the entire time that  
 16 you've lived on there?  
 17 A Yes.  
 18 Q And they all live on there still?  
 19 A Yes.  
 20 Q All in the same home?  
 21 A Yeap.  
 22 Q Where did you live before moving onto the  
 23 property?  
 24 A We lived in town in Poplar.  
 25 Q And so you went from Poplar to the property in  
 26 '83, is that right?  
 27 A It's about five miles out.  
 28

Page 9

1 Q How many water wells do you have on the property?  
 2 A Um, two.  
 3 Q And are they ----  
 4 A Three with Denise's.  
 5 Q And which two do you have, are they monitoring  
 6 wells? Do they have a designation?  
 7 A Well, there's an old well there that was there for  
 8 years before we moved. And when we got our house in '89,  
 9 they put a different well there for us. And then Denise  
 10 had a separate well.  
 11 Q So the two wells you're talking about on your  
 12 property, one of them ----  
 13 A All three of them are.  
 14 Q Yeah, excluding Denise's.  
 15 A No, Denise leases from me. She's living on my  
 16 land.  
 17 Q Okay. So there's three wells total. One of them  
 18 is Denise's. Two of them are for your use. Is that right?  
 19 A I don't use one.  
 20 Q That's the old one.  
 21 A Um-hm. (Indicates yes.)  
 22 Q Is that one capped over or closed up?  
 23 A Nope.  
 24 Q It's still there, you just don't use it?  
 25 A We have it separate. It's by some corrals where  
 26 we used to water our horses.  
 27 Q But you don't use that well for any purpose?  
 28

Page 10

1 A No.  
 2 Q When was the last time you used that well for  
 3 anything?  
 4 A In '95.  
 5 Q And what purpose was that?  
 6 A It was for watering the horses.  
 7 Q And did you quit in '95 and start using your other  
 8 well?  
 9 A No, the separate well we were using for our house  
 10 was since 1989 when I moved into our house.  
 11 Q When made you quit using the other well in '95 to  
 12 water the horses?  
 13 A We sold our horses, and I had no use for it.  
 14 Q So you no longer have horses to water, is that ---  
 15 --  
 16 A No.  
 17 Q So, just so I understand, so I'm clear, that old  
 18 well, after you drilled your new well in 1989, you only  
 19 used the old well to water your horses?  
 20 A Since '89?  
 21 Q Um-hm.  
 22 A Yes.  
 23 Q And then when you got rid of your horses in '95,  
 24 you quit using that old well all together?  
 25 A Yes.  
 26 Q What is the designation of the well that you  
 27 drilled in 1989? Is it M38?  
 28

Page 11

1 A Yes.  
 2 Q And does Denise have M36? Does that sound right?  
 3 A Um, I really don't know what her's is.  
 4 Q Where's your well in relation to your house?  
 5 A Just a few feet north.  
 6 Q And where is your septic tank?  
 7 A It's southeast -- a few feet southeast of the  
 8 house.  
 9 Q And I think we established that that well M38 was  
 10 drilled in 1989, is that correct?  
 11 A Yes.  
 12 Q What caused you to drill a new well in '89?  
 13 A Housing said they had to do that. I don't know.  
 14 Fort Peck Housing. They said everybody had to have a new  
 15 well and, um, I just went along with it.  
 16 Q You hadn't contacted them in advance about the new  
 17 well?  
 18 A Well, see, when we were going to have the house  
 19 built there, they said they were going to drill us a new  
 20 well.  
 21 Q Were you building a new house in '89?  
 22 A That's the one we moved into, yeah. Must have  
 23 been in '88, because we moved in '89.  
 24 Q You moved into the property in '83, right?  
 25 A Yes.  
 26 Q Where did you live at from '83 to '89 then?  
 27 A Just a few feet north.  
 28

Page 12

1 Q Of where you live now?  
 2 A Yes.  
 3 Q So was it a trailer or an old house?  
 4 A It was a double-wide trailer, yeah.  
 5 Q So in '89, you built a new house and got rid of  
 6 the trailer?  
 7 A Around '88, because we moved in '89.  
 8 Q So in conjunction with getting a new home, you got  
 9 a new well, too?  
 10 A Yes.  
 11 Q Now, when you moved onto the property in '83, how  
 12 was the water, the quality?  
 13 A It was pretty bad. It was -- but that came from  
 14 the water we had then in '83 was coming from the old well.  
 15 Q And that was -- the water quality was pretty bad  
 16 in '83?  
 17 A The water quality was bad in '83. Oh, yeah.  
 18 Q In terms of what, what was bad about it?  
 19 A Well, you couldn't use the water to wash clothes.  
 20 You couldn't -- it was alright to drink. I mean, at least,  
 21 we drank it at the time because there was no other choice.  
 22 I suppose we could have hauled water, I don't know. But,  
 23 anyway, we couldn't use it for anything. When you tried  
 24 watering your grass, trees, whatever, they didn't grow.  
 25 Anything you planted, a garden, wouldn't grow.  
 26 Q And this was beginning in '83 when you moved?  
 27 A It was in '83.  
 28

1           Q    The damages, Trivian, that you allege you have  
2 from the bad water, ----

3           A    Yes.

4           Q    --- what would those damages be? Could you tell  
5 us? What kinds of things do you think you need to be  
6 compensated for?

7           A    Well, I really don't think that anybody could put  
8 a price on our health; because if we are exposed to cancer,  
9 I could care less about myself. I'm 53 years old; but I  
10 have a five year old granddaughter that lives in my home,  
11 and I would sure hate to see her develop anything. And, I  
12 mean, it affects my children more than it does me, because  
13 I have -- Like I said, I'm 53. I can't say that it's  
14 going to -- it's going to effect me two years down the road  
15 or whatever. But I don't think there's anything that can  
16 replace your health. I mean, if it's gone, it's gone.

17          Q    Your concern about cancer, where does that come  
18 from?

19          A    From that benzene, that report that Denise showed  
20 me.

21          Q    That she mentioned? It's the same benzene that  
22 was in the ground water someplace in the area.

23          A    It was also in the Tribal paper.

24          Q    When was that?

25          A    I remember reading about it, but I was trying to  
26 find that paper and I couldn't find it. But it was in our  
27 -- because people were asking me about it. It had all our

28

1 names in there, and my name was in there.

2 Q Was it about this lawsuit?

3 A It wasn't about the lawsuit, it was just that EPA  
4 mentioned about the bad water.

5 Q Is that where your concern for cancer arises is  
6 this report from the EPA that there may be benzene in the  
7 area? Is there any other -- anything else that makes you  
8 worried about contracting a disease?

9 A No, just about the water and that benzene being in  
10 the water.

11 Q Do you have any physical injuries at all?

12 A No.

13 Q How about your kids?

14 A No.

15 Q Do you have any idea what the property value of  
16 your place is?

17 A No, I don't.

18 Q Do you think it's gone up or gone down, stayed the  
19 same?

20 A I really couldn't say.

21 MR. FAGAN: I think I have no more further questions for  
22 you, Trivian. Thank you.

23 EXAMINATION BY MR. ROSS:

24 Q Trivian, my name is John Ross. I represent  
25 Pioneer Natural Resources, the successor to Mesa Petroleum  
26 in this lawsuit. You have in front of you a map that's  
27 been marked as Exhibit 1, and I'd like for you to write on  
28

1 there where your place is located. Now, if I understand  
2 correctly, you've indicated that your new well is M38, is  
3 that correct?

4 A Um-hm. (Indicates yes.)

5 Q Now, if you look at Exhibit 1, it shows M38 and  
6 also shows an M37; and they're both in the northeast -- or  
7 excuse me, northwest corner of Section 33. Do you see  
8 that?

9 A Um-hm.

10 Q You have to answer yes or?

11 A Yes. I'm sorry.

12 Q So if you would, I'd appreciate it if you'd take  
13 a pen and just write your name by the well that you had  
14 drilled, which is M38, is that correct?

15 A Yes.

16 Q And you just write your name right there, and then  
17 maybe put a parens M38 after it. That'd be. . .

18 A (Deponent marks the map.)

19 Q Okay, thank you. Now, still looking at Exhibit 1,  
20 Exhibit 1 shows that M37 and M38 are right next to each  
21 other. On the ground, approximately how far apart are  
22 they? I think your testimony earlier was that you drilled  
23 the newer well right about where the old well was, is that  
24 -----

25 A Just a few feet.

26 Q Okay, so it's just a matter of a few feet. And  
27 then Denise's well, which I think is M36 -- again, I think  
28

1 you've testified it's about a football field away?

2 A Yes.

3 Q I think you also testified, or let me ask you if  
4 you testified, that there are a number of oil wells within  
5 the vicinity of your house, is that correct?

6 A Yes.

7 Q Are you familiar with the names or the companies  
8 that operate any of those wells?

9 A No.

10 Q Where are some of those wells located in respect  
11 to your house? When you say they're in the vicinity of  
12 your house, what direction are they from your house?

13 A North.

14 Q Are you aware if there are any to the east?

15 A To the northeast.

16 Q I'll show you a map that USGS has prepared that  
17 shows oil wells on it. Again, if we locate your premises  
18 there in the northeast corner of Section 33, is that  
19 correct?

20 A Um-hm. Yes.

21 Q Now, on this map it shows the Ajax well in Section  
22 33. Are you at all familiar with that well?

23 A No, I'm not.

24 Q How about the Mapco well in Section 34. Are you  
25 familiar with that?

26 A No.

27 Q How about the Amarco Schmidt well in Section 27,  
28



1 I guess that is. Are you familiar at all with that well?

2 A No.

3 Q How about the Murphy 63? Are you at all familiar  
4 with that?

5 A There used to be a place where we went fishing,  
6 and I'd see these oil wells, and it would have Murphy on  
7 there is all. And there was about three, four of them.

8 Q How about the Mesa well, are you at all familiar  
9 with that?

10 A No.

11 Q Have you ever heard anything about a hot water  
12 pipeline running from the east Poplar oil field in towards  
13 the town of Poplar?

14 A No, I haven't.

15 Q Do you know how many times your well M38, I  
16 believe it is, has been sampled?

17 A No, I couldn't really say.

18 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION  
19 EXHIBIT 32 FOR IDENTIFICATION PURPOSES.)

20 Q (By Mr. Ross) I'll show you what's been marked as  
21 Exhibit 32. Have you ever seen that before or a copy of  
22 that?

23 A (By Deponent) No.

24 Q How about page 2, have you ever seen that?

25 A No.

26 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION EXHIBIT  
27 33 FOR IDENTIFICATION PURPOSES.)

28

1 Q (By Mr. Ross) I'll show you what's been marked as  
2 Exhibit 33. Can you tell us what that is?

3 A (By Deponent) That's the lease, I guess, on where  
4 the house is, isn't it?

5 Q Who is Francis P. Renz, do you know?

6 A That was my husband's grandfather, I believe.

7 MR. ROSS: I have no further questions. Thank you.

8 EXAMINATION BY MR. STERUP:

9 Q Trivian, my name's Rob Sterup. I represent Samson  
10 Hydrocarbons. Who built the new house that was constructed  
11 in 1989?

12 A The Fort Peck Housing.

13 Q Who owns that house at the present time?

14 A I would imagine -- well, I do, but -- well, the  
15 Housing, um -- I own it, but the Housing is still -- has  
16 part of it, I guess.

17 Q Are you making -----

18 A I'm not through paying for it yet.

19 Q You're making payments to the Housing Authority?

20 A Yes.

21 Q Do you know when you'll make the final payment?

22 A No, I don't.

23 Q Who lives in your household at the present time?

24 A My daughter and my three sons and my  
25 granddaughter.

26 Q You say a granddaughter. What is the  
27 granddaughter's name?  
28

1 A Jordan.

2 Q Whose child is that?

3 A My daughter Dawn's.

4 Q How old is Dawn?

5 A She's thirty -- She was born in '69 -- 32, 33.

6 Q How old is Jordan?

7 A Five.

8 Q There's a Jordan Grainger identified in the  
9 complaint and that would be Dawn's ----

10 A Daughter.

11 Q --- daughter. At the time the new house was built  
12 in 1989, you knew the water quality was poor, I take it?

13 A Yes.

14 Q How does it happen that you decided to put up a  
15 new house on the site at a time when you knew the water  
16 quality was poor?

17 A Well, it was our land, and we wanted to live  
18 there. We didn't want to live in town anymore.

19 Q So having weighed the pros and cons and realizing  
20 the water quality was poor, you decided, let's go ahead and  
21 live here even though the water isn't as good as we'd like  
22 it to be?

23 A Well, I thought maybe a new well might have --  
24 might have better luck with a new well or -- The water  
25 would be better.

26 Q And that turned out not to be the case, I take it?

27 A No.

28

1 Q Have you ever spoken so far as you can recollect,  
2 with anyone from either Grace Petroleum or Samson  
3 Hydrocarbons?

4 A No.

5 MR. STERUP: I have nothing further.

6 EXAMINATION BY MR. WEBSTER:

7 Q Trivian, my name is Mike Webster, and I represent  
8 Murphy Exploration in this case. Have you ever talked to  
9 any of the Murphy -- any employees or representatives of  
10 Murphy that you're aware of?

11 A No.

12 Q At least about water quality you haven't?

13 A No.

14 Q How old is your son, Daniel?

15 A Eighteen.

16 Q And how about Adam?

17 A Seventeen.

18 Q And David?

19 A Twenty-four.

20 Q And they have lived -- and Dawn, you said, was 32  
21 -- or 31? 32?

22 A Thirty-two.

23 Q David and Dawn, have they always lived at home?

24 A Dawn was living in town by herself for a while.

25 Q So she's not lived there the entire time but she's  
26 back there now?

27 A Yes.

28

1 Q Do you know when she moved back with you?

2 A Two years ago.

3 Q Had she been gone for an extended period of time?

4 A Just about a year.

5 Q About a year. So she lived with you 'til she was  
6 27, 28, ----

7 A Yes.

8 Q --- left for a year or two, and then came back?

9 A Yes.

10 Q The property that you own, do you know the legal  
11 description for it?

12 A No, I don't.

13 Q Are you sure it's a 20 acre tract?

14 A Yes.

15 Q The Fort Peck Housing Authority lease, does that  
16 cover just a portion then of the property that you own?

17 A Two acres.

18 Q Two acres. How does that work? You own the  
19 property -- I guess I'm confused on how those work.

20 A I really don't know either. But, they lease two  
21 acres that they put the house on until you pay it off.

22 Q And that's sort of their security -- it's almost  
23 as if they've taken a mortgage then on the property?

24 A If you don't pay for the house, then they can --  
25 they can move the house off or whatever.

26 Q And I don't recall, did you testify, is this  
27 property owned in fee status or is it owned in trust  
28

1. status?

2. A I'm not sure.

3. Q Do you pay taxes? Do you pay ----

4. A Oh, no.

5. Q --- property taxes on this property?

6. A No.

7. Q Okay, well, then it's trust.

8. A It's in trust.

9. Q Okay. And your testimony is that you haven't  
10. drank the water since 1989? Is that -- or around there?

11. A At least ten years.

12. Q At least ten years. So, maybe 1991 perhaps.

13. A Yes.

14. Q And you've had bottled water since that time?

15. A Yes.

16. Q Are you receiving bottled water now?

17. A Yes, we are.

18. Q And is it -- are you having to pay for it or is it  
19. provided to you?

20. A No. No.

21. Q Is that working out fairly well then?

22. A Yes, it is.

23. Q The deliveries are timely ----

24. A Yes.

25. Q --- and there's plenty of ----

26. A Every Friday.

27. Q And the water is sufficient for your drinking ----

28.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

-

A Yes.

Q --- and those purposes?

A Cooking.

Q Have you ever had any trouble with your septic system at your home?

A Well, within the last year, I think three times.

Q Not before then, though, that you can recall?

A Oh, no, at least once a year, we have to call someone to come out.

Q And then they'd pump it out and it works fine for -- or is that what you mean or does it -----

A Not pumping it. No, they have to replace all the pipes and what not going to the house.

Q And that happens on a yearly basis with your septic system?

A Almost. Almost.

Q How do you know when that problem -- how do you know when they're in need of replacement? Do the toilets and the drains quit working or what?

A No, it -- all of a sudden, we see a big wet spot on the ground there, and the water is just actually coming up from the ground.

Q And that's when you know then that the septic system is not working properly?

A One of the pipes has burst or rotted away.

Q And that's been going on for how long? Is that

1 since you moved into the property that -- kind of an on-  
2 going yearly problem?

3 A At least five, six years.

4 Q Any time before then? When your husband was still  
5 alive, did the same problems happen?

6 A Yes.

7 Q Do you recall whether those problems arose back  
8 when you were -- when you first moved into the house?

9 A We used to have that trouble when we were living  
10 in the trailer -- trailer house.

11 Q Is the trailer -- the location where that trailer  
12 was, is that close to where your house is now?

13 A There's only a road and then you just walk across.  
14 It's just a few feet to where the house is.

15 Q So when you lived there before your new house was  
16 built in the trailer, you had septic system problems?

17 A Yes.

18 Q When you built the new house then, was there a  
19 period of time where there weren't problems or did that  
20 same hold true fairly quickly?

21 A Well, probably the first three, four years it was  
22 alright -- maybe three years.

23 Q And each time you have these problems then, does  
24 someone come out and dig it up, put in a new one, and -----

25 A Yes.

26 Q Have they told you why you keep having these  
27 problems?

28



1           A     They told us that, because of the water, it was --  
2     they were either -- pipes were ever rotting away or --  
3     That's mainly what they said that it was rotting away, the  
4     pipes. The pipes were just giving out.

5           Q     Have they tried to put in different types of pipes  
6     or different -- do they just keep putting back in the same  
7     kind of pipe year after year, do you know?

8           A     I really don't know.

9           Q     Do you know who does that work for you?

10          A     The Enterprise, Fort Peck.

11          Q     The Housing Authority group?

12          A     No, it's a different -----

13          Q     I mean, that's who, though, the Housing Authority  
14     -----

15          A     It's through the Tribes.

16          Q     Do you know how much salt do you generally use per  
17     week in your water conditioner?

18          A     It takes five bags to fill the tank, and, um --  
19     and we have to fill it about twice a month.

20          Q     Do you have any fuel tanks or any gasoline tanks  
21     or anything like that on your property?

22          A     No.

23          Q     There's not a 250 gallon tank there that you can  
24     fill up your cars with or anything like that?

25          A     No.

26          Q     Is there a shop or a work place or anything like  
27     that on or near your home?  
28

1           A     I have a quonset building there, but there's -----

2           Q     Is anything kept in there?

3           A     No. It's just mainly for -- we keep our cars or  
4 whatever in there when the weather gets really bad or.

5           Q     Okay. You don't store anything else ----

6           A     No.

7           Q     --- unusual in there?

8           A     No.

9     MR. WEBSTER: I think that's all I've got.

10    MR. DOLAN: I have no questions. I guess you're done,  
11 Trivial.

12    (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN  
13 CONCLUDED AT 3:15 P.M.)

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

CERTIFICATE

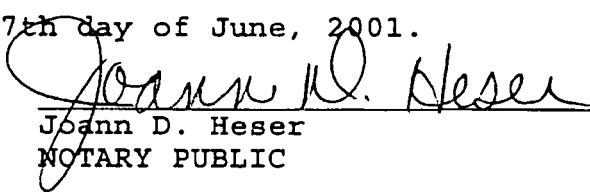
STATE OF MONTANA                    )  
  :   ss.  
COUNTY OF ROOSEVELT                )

I, JOANN D. HESER, Official Court Reporter, Fifteenth Judicial District, and a Notary Public duly qualified in and for the State of Montana, hereby certify there came before me the deponent herein, namely TRIVIAN GRAINGER, who was by me duly sworn to testify to the truth and nothing but the truth concerning the matters in this cause.

I further certify that I was the Official Court Reporter who reported, by means of LANIER recorder, this deposition. The testimony therein and other proceedings herein contained are a true and correct transcription of the original tapes and my notes, TO THE BEST OF MY ABILITY.

I further certify that I am not related in any manner to any party, witness, or counsel and have no financial or other interest in the outcome of the above entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 27th day of June, 2001.

  
Joann D. Heser  
NOTARY PUBLIC

My Comm. exp. 7/2/2004

DEPONENT'S CERTIFICATE

I, TRIVIAN GRAINGER, do hereby certify that I have read the foregoing transcript of my testimony and that the same is a full, true and correct record of my deposition except as to any corrections I have listed on the Corrections to Deposition form.

\_\_\_\_\_ Changes and corrections made.

\_\_\_\_\_ No changes or corrections made.

\_\_\_\_\_  
TRIVIAN GRAINGER

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
NOTARY PUBLIC for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My Commission expires \_\_\_\_\_



Page 13

Page 15

1 Q So from the very start when you got on that  
2 property, the water wasn't very good?  
3 A Yes.  
4 Q But you did drink it because you had no choice?  
5 A We did.  
6 Q And how long did you drink the water out of that  
7 well?  
8 A Um-m.  
9 Q The entire time until you drilled the new well in  
10 '89?  
11 A Yes.  
12 Q Did that water have a -- any kind of a taste to  
13 it, a certain taste? was it salty?  
14 A It didn't seem to be at first, no.  
15 Q Did it become later?  
16 A It started getting a little bit worse later on.  
17 Q This is later in the '80's?  
18 A It had a funny smell to it.  
19 Q Can you describe that smell?  
20 A Oh, kind of a -- I don't know. The only way I can  
21 describe it is if you drive by a sewer lagoon or something  
22 and -- is what it smelled like. You'd have to run the  
23 water for a while. Turn the faucet on and leave it running  
24 for a while in order for it to get a little bit clearer.  
25 It was kind of a blackish colored.  
26 Q Did you have any rust color in it? any orange  
27 color?  
28

1 A Well, it -- yeah, it took a little bit of the rust  
2 out, but not -- we never could hardly -- we never used the  
3 washer and the dryer very much because it left these big,  
4 kind of like oil stains or grease stains or something on  
5 your clothes.  
6 Q Did you ever notice a greasy film on the water?  
7 A Oh, yeah. If you made tea or, you know,  
8 something, there'd always be that heavy film on the top.  
9 Q Even from '83 on?  
10 A Yeap. I would have to say way back then.  
11 Q Did that concern you at all? Did it worry you  
12 about -- make you worry about your health in terms of  
13 drinking it?  
14 A Well, we were always concerned about the water  
15 but, I don't know, like I said, back then we just figured -  
16 - I mean, I don't know, I thought it was from the old well.  
17 I mean, being that old. And so I thought it would clear up  
18 more after we were getting our new house, but it never did.  
19 Q Did that make you wonder why?  
20 A Oh, yeah, it did, but I don't know. Like I said,  
21 if you run the water long enough, some of it seemed to  
22 clear a little bit.  
23 Q Did you ever wonder why it was caused like that --  
24 what might have caused the water to be of that quality?  
25 Who could be responsible for it, if anybody?  
26 A Well, we never lived in the country before. We  
27 hadn't ever lived in the country before so I just assumed  
28

Page 14

Page 16

1 A If you used the hot water, it poured out the rust  
2 more. But if you just ran cold, it wasn't as bad. You  
3 didn't really notice it that much.  
4 Q But even when it was cold, you still got the black  
5 flecks in it?  
6 A Yes.  
7 Q And that was from the very start from '83?  
8 A Yes.  
9 Q Now, when you drilled a new well in '89, what was  
10 that water like?  
11 A It was about the same.  
12 Q Same quality?  
13 A Yeah. But then we had our water softener put in,  
14 too, so.  
15 Q Was that in '89?  
16 A In '89.  
17 Q Did that make a difference?  
18 A It seemed to.  
19 Q And do you still use that?  
20 A We're still using it.  
21 Q And in conjunction with drilling a new well and  
22 building a new house, you put in a water treatment system?  
23 A Yes.  
24 Q And that was, hopefully, to address the problems  
25 you'd been having with the well, with the quality?  
26 A We thought it would.  
27 Q And did it help for a while?  
28

1 that's how the water was.  
2 Q Did you ever talk with any neighbors or friends or  
3 relatives about their water?  
4 A No.  
5 Q Did you ever talk to Tribal officials or health  
6 officials?  
7 A No.  
8 Q Did you ever have water samples tested?  
9 A I don't think until -- I don't -- I really don't  
10 know. I can't remember. My husband used to do all that.  
11 He did everything, so I was always just going about my  
12 business.  
13 Q You know, in terms of the water?  
14 A I mean, if there's something bothered him or  
15 bothered us, he would always take care of it. I never had  
16 to do any of that until '95.  
17 Q And what's your husband's name?  
18 A Howard.  
19 Q And when did he die?  
20 A In '95.  
21 Q So then did you take over those kind of things?  
22 A Yes, I had to.  
23 Q Did you start talking with people in '95 about the  
24 water?  
25 A No, because our softener seemed to take care of  
26 some of it, but -- I never really talked to our neighbors.  
27 I mean, we're not that close. We live miles apart, and I  
28

Page 17

1 I guess I never really -- I'm kind of a loner. I don't  
 2 really associate that much with them.  
 3 Q Did you ever wonder if maybe the oil field  
 4 activity might be causing the water to be bad?  
 5 A I know they're all around the house there, but --  
 6 I don't know. I guess I never really paid any attention  
 7 to it.  
 8 Q Sounds like you never really thought of the cause  
 9 to much. You didn't really -- It wasn't something you  
 10 dwelled on?  
 11 A No, we got a report sometime in -- oh, I think it  
 12 was in '90 sometime, anyway, about -- Well, they came  
 13 over to test our water was what happened.  
 14 Q Who was that? Who was they?  
 15 A Ah-h, some people from the Tribe. I really don't  
 16 know if it was Deb Madison's office or -- or they've had  
 17 something to do -- I don't know who they were. They just  
 18 asked if they could test our water, and they took some  
 19 samples.  
 20 A And do you recall when that was approximately?  
 21 A I think it was in ninety -- have to be past '95  
 22 'cause my husband wasn't there.  
 23 Q Was that the first you heard of somebody wanting  
 24 to test your water?  
 25 A Um-hm. Yes.  
 26 Q And how's the water from M38 changed since '89?  
 27 Has it gotten worse, stayed the same, gotten better?  
 28

Page 18

1 A Since '89?  
 2 Q Um-hm, since you drilled it?  
 3 A Well, like I said, it seems to be more oily and  
 4 salt -- salty. You can't drink -- You know, you have to  
 5 leave your water running. We haven't drank that water for  
 6 years. But you have to leave it running and running, and  
 7 some of it clears up.  
 8 Q When do you think you quit drinking that water,  
 9 Trivian?  
 10 A Um, I'd have to say at least ten years ago.  
 11 Q In the last ten years, what did you use for  
 12 drinking water then?  
 13 A We'd haul our water.  
 14 Q Did you go to town and buy it, bring it back?  
 15 A Yes.  
 16 Q Now, in one of the documents that Mr. Dolan  
 17 supplied to us, he says that the Graingers stopped --  
 18 referring to your family -- stopped drinking the water  
 19 around mid 1999.  
 20 A Ninety-nine?  
 21 Q Is that wrong? Do you think it's a typo, meant to  
 22 be '89?  
 23 A It has to be because I know it's been over about  
 24 ten years or more.  
 25 Q So since 1989, have you used the water for other  
 26 purposes?  
 27 A Just bathing, washing dishes.  
 28

Page 19

1 Q Did you ever notice any skin problems from using  
 2 the water to bathe?  
 3 A Well, a lot of us have developed rashes every now  
 4 and then, but.  
 5 Q And do you blame bathing in the water on that? or  
 6 for that?  
 7 A I haven't gone to the doctor. I never asked them  
 8 if that's what it was, but I know. . .  
 9 Q So you never discussed the rashes with a doctor?  
 10 A Um, no. I haven't.  
 11 Q Had any things like open sores on your body or any  
 12 of your family members from bathing?  
 13 A No.  
 14 Q How about dry skin?  
 15 A Well, dry skin, sure, but you can blame the  
 16 weather for that, too, I guess. I don't know.  
 17 Q How close is Denise's house to your house?  
 18 A About -- it's walking distance.  
 19 Q She testified yesterday that she thought it might  
 20 be about a football field away. Does that sound  
 21 reasonable?  
 22 A That's about right.  
 23 Q And it sounds like your two wells, yours and the  
 24 one that Denise uses, M38 and M36, are about the same  
 25 distance as the houses?  
 26 A Yes.  
 27 Q Do you know what kind of water Denise has?  
 28

Page 20

1 A I remember when the guy put in my service soft  
 2 tank, he said -- um, he put one in for Denise, too. And he  
 3 said, your water's pretty bad, but, he said, your  
 4 daughter's is worse. That's all he said.  
 5 Q Have you ever talked with Denise about it?  
 6 A No, not really. We just keep buying the salt and  
 7 keeping our tanks full and. . .  
 8 Q I think you said that you no longer watered the  
 9 horses beginning in 1995, is that right?  
 10 A We sold them.  
 11 Q How about irrigating or watering gardens and  
 12 plants and things like that?  
 13 A No, by then I had quit trying to grow a garden  
 14 'cause it would never grow.  
 15 Q Even -- is this going back to 1983?  
 16 A We started in '83 trying to.  
 17 Q And even from then, you just couldn't get it to  
 18 grow?  
 19 A No.  
 20 Q When do you think you gave up on trying to get it  
 21 to grow?  
 22 A Maybe eight years or so after that.  
 23 Q Maybe around 1990 then?  
 24 A Around there, in '91 maybe.  
 25 Q Do you know how many water samples have been taken  
 26 from M38 in total?  
 27 A From?  
 28

Page 21

Page 23

1 Q From your well?  
 2 A You mean, since we've been there?  
 3 Q Um-hm. (Indicates yes.)  
 4 A I really don't know.  
 5 Q Have you ever heard if there was any indication  
 6 that there's benzene in that well?  
 7 A Yes.  
 8 Q You have heard that there is an indication of  
 9 benzene?  
 10 A Yes.  
 11 Q When was that? When did you hear about that?  
 12 A My daughter came back and told me about it. She  
 13 was working for Environmental Health at the time. And she  
 14 said, she wanted to move off from -- move away -- move out  
 15 of there. And I said, why? And she said, I think I'm  
 16 exposing my kids to cancer. And I said, what makes you  
 17 think that? And she brought out a report and showed it to  
 18 me. I tried to find the report, but I couldn't find it  
 19 today.  
 20 Q Do you recall which party had produced that  
 21 report? Was it a USGS report or ----  
 22 A Ken Hull.  
 23 Q And it said that your well, M38, had benzene?  
 24 A No, it just said that in the east Poplar oil  
 25 field.  
 26 Q So in the area?  
 27 A Um-hm. (Indicates yes.)  
 28

1 Q Through Rene?  
 2 A Um-hm. Yes.  
 3 Q When did Rene tell you about that?  
 4 A When he approached me about this lawsuit.  
 5 Q What did he tell you about that, the previous  
 6 lawsuit?  
 7 A He said -- you mean, the Bud Lien one?  
 8 Q Yeah, the Bud Lien.  
 9 A He just mentioned it to me, and he asked me if I  
 10 had heard about it. And I said, no.  
 11 Q So the first you'd heard of it was from Rene?  
 12 A Yes.  
 13 Q What was Rene saying about the Bud Lien case?  
 14 A He didn't have too much to say. He just asked me  
 15 if I had heard about that lawsuit, and I told him no.  
 16 Q Did he say anything else about it?  
 17 A No.  
 18 Q Did he tell you what the outcome was?  
 19 A No, he didn't.  
 20 Q Have you ever talked, to the best of your  
 21 knowledge, to any Marathon Oil employee?  
 22 A No.  
 23 Q How about Texas Oil and Gas?  
 24 A No.  
 25 Q Are you aware of any wells owned or operated by  
 26 either of those companies?  
 27 A No.  
 28

Page 22

Page 24

1 Q But in terms of your specific well, no one's ever  
 2 told you there was benzene in that well, is that right?  
 3 A Not so far.  
 4 Q And I think you said earlier that there's quite a  
 5 bit of oil activity around your property on oil wells?  
 6 A Yes.  
 7 Q Is there a lot of seismograph activity?  
 8 A There used to be.  
 9 Q When was that?  
 10 A When we first moved there.  
 11 Q So in the early to mid-80's?  
 12 A Um-hm. Yes.  
 13 Q When did that quit? Do you recall when that  
 14 slowed up?  
 15 A No, I can't recall.  
 16 Q So you've never really talked with friends or  
 17 relatives or acquaintances about whether the oil companies  
 18 might be at the root of this bad water problem, is that  
 19 right?  
 20 A That's right.  
 21 Q Rene Martell was here yesterday, and he was  
 22 deposed, and he told us that he was aware of a lawsuit back  
 23 twenty years ago probably in which Murphy Oil, an oil  
 24 company working out of Poplar oil fields, was sued by a  
 25 farmer by the name of Bud Lien over ground water  
 26 contamination. Did you ever hear about that lawsuit?  
 27 A I heard about it through him.  
 28

1 Q The damages, Trivian, that you allege you have  
 2 from the bad water, ----  
 3 A Yes.  
 4 Q --- what would those damages be? Could you tell  
 5 us? What kinds of things do you think you need to be  
 6 compensated for?  
 7 A Well, I really don't think that anybody could put  
 8 a price on our health; because if we are exposed to cancer,  
 9 I could care less about myself. I'm 53 years old; but I  
 10 have a five year old granddaughter that lives in my home,  
 11 and I would sure hate to see her develop anything. And, I  
 12 mean, it affects my children more than it does me, because  
 13 I have -- Like I said, I'm 53. I can't say that it's  
 14 going to -- it's going to effect me two years down the road  
 15 or whatever. But I don't think there's anything that can  
 16 replace your health. I mean, if it's gone, it's gone.  
 17 Q Your concern about cancer, where does that come  
 18 from?  
 19 A From that benzene, that report that Denise showed  
 20 me.  
 21 Q That she mentioned? It's the same benzene that  
 22 was in the ground water someplace in the area.  
 23 A It was also in the Tribal paper.  
 24 Q When was that?  
 25 A I remember reading about it, but I was trying to  
 26 find that paper and I couldn't find it. But it was in our  
 27 -- because people were asking me about it. It had all our  
 28



Page 25

Page 27

1 names in there, and my name was in there.  
 2 Q Was it about this lawsuit?  
 3 A It wasn't about the lawsuit, it was just that EPA  
 4 mentioned about the bad water.  
 5 Q Is that where your concern for cancer arises is  
 6 this report from the EPA that there may be benzene in the  
 7 area? Is there any other -- anything else that makes you  
 8 worried about contracting a disease?  
 9 A No, just about the water and that benzene being in  
 10 the water.  
 11 Q Do you have any physical injuries at all?  
 12 A No.  
 13 Q How about your kids?  
 14 A No.  
 15 Q Do you have any idea what the property value of  
 16 your place is?  
 17 A No, I don't.  
 18 Q Do you think it's gone up or gone down, stayed the  
 19 same?  
 20 A I really couldn't say.  
 21 MR. FAGAN: I think I have no more further questions for  
 22 you, Trivian. Thank you.  
 23 EXAMINATION BY MR. ROSS:  
 24 Q Trivian, my name is John Ross. I represent  
 25 Pioneer Natural Resources, the successor to Mesa Petroleum  
 26 in this lawsuit. You have in front of you a map that's  
 27 been marked as Exhibit 1, and I'd like for you to write on  
 28

1 you've testified it's about a football field away?  
 2 A Yes.  
 3 Q I think you also testified, or let me ask you if  
 4 you testified, that there are a number of oil wells within  
 5 the vicinity of your house, is that correct?  
 6 A Yes.  
 7 Q Are you familiar with the names or the companies  
 8 that operate any of those wells?  
 9 A No.  
 10 Q Where are some of those wells located in respect  
 11 to your house? When you say they're in the vicinity of  
 12 your house, what direction are they from your house?  
 13 A North.  
 14 Q Are you aware if there are any to the east?  
 15 A To the northeast.  
 16 Q I'll show you a map that USGS has prepared that  
 17 shows oil wells on it. Again, if we locate your premises  
 18 there in the northeast corner of Section 33, is that  
 19 correct?  
 20 A Um-hm. Yes.  
 21 Q Now, on this map it shows the Ajax well in Section  
 22 33. Are you at all familiar with that well?  
 23 A No, I'm not.  
 24 Q How about the Mapco well in Section 34. Are you  
 25 familiar with that?  
 26 A No.  
 27 Q How about the Amarco Schmidt well in Section 27,  
 28

Page 26

Page 28

1 there where your place is located. Now, if I understand  
 2 correctly, you've indicated that your new well is M38, is  
 3 that correct?  
 4 A Um-hm. (Indicates yes.)  
 5 Q Now, if you look at Exhibit 1, it shows M38 and  
 6 also shows an M37; and they're both in the northeast -- or  
 7 excuse me, northwest corner of Section 33. Do you see  
 8 that?  
 9 A Um-hm.  
 10 Q You have to answer yes or?  
 11 A Yes. I'm sorry.  
 12 Q So if you would, I'd appreciate it if you'd take  
 13 a pen and just write your name by the well that you had  
 14 drilled, which is M38, is that correct?  
 15 A Yes.  
 16 Q And you just write your name right there, and then  
 17 maybe put a parens M38 after it. That'd be...  
 18 A (Deponent marks the map.)  
 19 Q Okay, thank you. Now, still looking at Exhibit 1,  
 20 Exhibit 1 shows that M37 and M38 are right next to each  
 21 other. On the ground, approximately how far apart are  
 22 they? I think your testimony earlier was that you drilled  
 23 the newer well right about where the old well was, is that  
 24 ----  
 25 A Just a few feet.  
 26 Q Okay, so it's just a matter of a few feet. And  
 27 then Denise's well, which I think is M36 -- again, I think  
 28

1 I guess that is. Are you familiar at all with that well?  
 2 A No.  
 3 Q How about the Murphy 63? Are you at all familiar  
 4 with that?  
 5 A There used to be a place where we went fishing,  
 6 and I'd see these oil wells, and it would have Murphy on  
 7 there is all. And there was about three, four of them.  
 8 Q How about the Mesa well, are you at all familiar  
 9 with that?  
 10 A No.  
 11 Q Have you ever heard anything about a hot water  
 12 pipeline running from the east Poplar oil field in towards  
 13 the town of Poplar?  
 14 A No, I haven't.  
 15 Q Do you know how many times your well M38. I  
 16 believe it is, has been sampled?  
 17 A No, I couldn't really say.  
 18 (AT THIS TIME, THE COURT REPORTER MARKED DEPOSITION  
 19 EXHIBIT 32 FOR IDENTIFICATION PURPOSES.)  
 20 Q (By Mr. Ross) I'll show you what's been marked as  
 21 Exhibit 32. Have you ever seen that before or a copy of  
 22 that?  
 23 A (By Deponent) No.  
 24 Q How about page 2. have you ever seen that?  
 25 A No.  
 26 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION EXHIBIT  
 27 33 FOR IDENTIFICATION PURPOSES.)  
 28

Page 29

1 Q (By Mr. Ross) I'll show you what's been marked as  
 2 Exhibit 33. Can you tell us what that is?  
 3 A (By Deponent) That's the lease, I guess, on where  
 4 the house is, isn't it?  
 5 Q Who is Francis P. Renz, do you know?  
 6 A That was my husband's grandfather, I believe.  
 7 MR. ROSS: I have no further questions. Thank you.  
 8 EXAMINATION BY MR. STERUP:  
 9 Q Trivian, my name's Rob Sterup. I represent Samson  
 10 Hydrocarbons. Who built the new house that was constructed  
 11 in 1989?  
 12 A The Fort Peck Housing.  
 13 Q Who owns that house at the present time?  
 14 A I would imagine -- well, I do, but -- well, the  
 15 Housing, um -- I own it, but the Housing is still -- has  
 16 part of it, I guess.  
 17 Q Are you making ----  
 18 A I'm not through paying for it yet.  
 19 Q You're making payments to the Housing Authority?  
 20 A Yes.  
 21 Q Do you know when you'll make the final payment?  
 22 A No, I don't.  
 23 Q Who lives in your household at the present time?  
 24 A My daughter and my three sons and my  
 25 granddaughter.  
 26 Q You say a granddaughter. What is the  
 27 granddaughter's name?  
 28

Page 30

1 A Jordan.  
 2 Q Whose child is that?  
 3 A My daughter Dawn's.  
 4 Q How old is Dawn?  
 5 A She's thirty -- She was born in '69 -- 32, 33.  
 6 Q How old is Jordan?  
 7 A Five.  
 8 Q There's a Jordan Grainger identified in the  
 9 complaint and that would be Dawn's ----  
 10 A Daughter.  
 11 Q --- daughter. At the time the new house was built  
 12 in 1989, you knew the water quality was poor, I take it?  
 13 A Yes.  
 14 Q How does it happen that you decided to put up a  
 15 new house on the site at a time when you knew the water  
 16 quality was poor?  
 17 A Well, it was our land, and we wanted to live  
 18 there. We didn't want to live in town anymore.  
 19 Q So having weighed the pros and cons and realizing  
 20 the water quality was poor, you decided, let's go ahead and  
 21 live here even though the water isn't as good as we'd like  
 22 it to be?  
 23 A Well, I thought maybe a new well might have --  
 24 might have better luck with a new well or -- The water  
 25 would be better.  
 26 Q And that turned out not to be the case, I take it?  
 27 A No.  
 28

Page 31

1 Q Have you ever spoken so far as you can recollect,  
 2 with anyone from either Grace Petroleum or Samson  
 3 Hydrocarbons?  
 4 A No.  
 5 MR. STERUP: I have nothing further.  
 6 EXAMINATION BY MR. WEBSTER:  
 7 Q Trivian, my name is Mike Webster, and I represent  
 8 Murphy Exploration in this case. Have you ever talked to  
 9 any of the Murphy -- any employees or representatives of  
 10 Murphy that you're aware of?  
 11 A No.  
 12 Q At least about water quality you haven't?  
 13 A No.  
 14 Q How old is your son, Daniel?  
 15 A Eighteen.  
 16 Q And how about Adam?  
 17 A Seventeen.  
 18 Q And David?  
 19 A Twenty-four.  
 20 Q And they have lived -- and Dawn, you said, was 32  
 21 -- or 31? 32?  
 22 A Thirty-two.  
 23 Q David and Dawn, have they always lived at home?  
 24 A Dawn was living in town by herself for a while.  
 25 Q So she's not lived there the entire time but she's  
 26 back there now?  
 27 A Yes.  
 28

Page 32

1 Q Do you know when she moved back with you?  
 2 A Two years ago.  
 3 Q Had she been gone for an extended period of time?  
 4 A Just about a year.  
 5 Q About a year. So she lived with you 'til she was  
 6 27, 28, ----  
 7 A Yes.  
 8 Q --- left for a year or two, and then came back?  
 9 A Yes.  
 10 Q The property that you own, do you know the legal  
 11 description for it?  
 12 A No, I don't.  
 13 Q Are you sure it's a 20 acre tract?  
 14 A Yes.  
 15 Q The Fort Peck Housing Authority lease, does that  
 16 cover just a portion then of the property that you own?  
 17 A Two acres.  
 18 Q Two acres. How does that work? You own the  
 19 property -- I guess I'm confused on how those work.  
 20 A I really don't know either. But, they lease two  
 21 acres that they put the house on until you pay it off.  
 22 Q And that's sort of their security -- it's almost  
 23 as if they've taken a mortgage then on the property?  
 24 A If you don't pay for the house, then they can --  
 25 they can move the house off or whatever.  
 26 Q And I don't recall, did you testify, is this  
 27 property owned in fee status or is it owned in trust  
 28

Page 33

Page 35

1 status?  
 2 A I'm not sure.  
 3 Q Do you pay taxes? Do you pay ----  
 4 A Oh, no.  
 5 Q --- property taxes on this property?  
 6 A No.  
 7 Q Okay, well, then it's trust.  
 8 A It's in trust.  
 9 Q Okay. And your testimony is that you haven't  
 10 drank the water since 1989? Is that -- or around there?  
 11 A At least ten years.  
 12 Q At least ten years. So, maybe 1991 perhaps.  
 13 A Yes.  
 14 Q And you've had bottled water since that time?  
 15 A Yes.  
 16 Q Are you receiving bottled water now?  
 17 A Yes, we are.  
 18 Q And is it -- are you having to pay for it or is it  
 19 provided to you?  
 20 A No. No.  
 21 Q Is that working out fairly well then?  
 22 A Yes, it is.  
 23 Q The deliveries are timely ----  
 24 A Yes.  
 25 Q --- and there's plenty of ----  
 26 A Every Friday.  
 27 Q And the water is sufficient for your drinking ----  
 28

1 since you moved into the property that -- kind of an on-  
 2 going yearly problem?  
 3 A At least five, six years.  
 4 Q Any time before then? When your husband was still  
 5 alive, did the same problems happen?  
 6 A Yes.  
 7 Q Do you recall whether those problems arose back  
 8 when you were -- when you first moved into the house?  
 9 A We used to have that trouble when we were living  
 10 in the trailer -- trailer house.  
 11 Q Is the trailer -- the location where that trailer  
 12 was, is that close to where your house is now?  
 13 A There's only a road and then you just walk across.  
 14 It's just a few feet to where the house is.  
 15 Q So when you lived there before your new house was  
 16 built in the trailer, you had septic system problems?  
 17 A Yes.  
 18 Q When you built the new house then, was there a  
 19 period of time where there weren't problems or did that  
 20 same hold true fairly quickly?  
 21 A Well, probably the first three, four years it was  
 22 alright -- maybe three years.  
 23 Q And each time you have these problems then, does  
 24 someone come out and dig it up, put in a new one, and ----  
 25 A Yes.  
 26 Q Have they told you why you keep having these  
 27 problems?  
 28

Page 34

Page 36

1 -  
 2 A Yes.  
 3 Q --- and those purposes?  
 4 A Cooking.  
 5 Q Have you ever had any trouble with your septic  
 6 system at your home?  
 7 A Well, within the last year, I think three times.  
 8 Q Not before then, though, that you can recall?  
 9 A Oh, no, at least once a year, we have to call  
 10 someone to come out.  
 11 Q And then they'd pump it out and it works fine for  
 12 -- or is that what you mean or does it ----  
 13 A Not pumping it. No, they have to replace all the  
 14 pipes and what not going to the house.  
 15 Q And that happens on a yearly basis with your  
 16 septic system?  
 17 A Almost. Almost.  
 18 Q How do you know when that problem -- how do you  
 19 know when they're in need of replacement? Do the toilets  
 20 and the drains quit working or what?  
 21 A No, it -- all of a sudden, we see a big wet spot  
 22 on the ground there, and the water is just actually coming  
 23 up from the ground.  
 24 Q And that's when you know then that the septic  
 25 system is not working properly?  
 26 A One of the pipes has burst or rotted away.  
 27 Q And that's been going on for how long? Is that  
 28

1 A They told us that, because of the water, it was --  
 2 they were either -- pipes were ever rotting away or --  
 3 That's mainly what they said that it was rotting away, the  
 4 pipes. The pipes were just giving out.  
 5 Q Have they tried to put in different types of pipes  
 6 or different -- do they just keep putting back in the same  
 7 kind of pipe year after year, do you know?  
 8 A I really don't know.  
 9 Q Do you know who does that work for you?  
 10 A The Enterprise, Fort Peck.  
 11 Q The Housing Authority group?  
 12 A No, it's a different ----  
 13 Q I mean, that's who, though, the Housing Authority  
 14 ----  
 15 A It's through the Tribes.  
 16 Q Do you know how much salt do you generally use per  
 17 week in your water conditioner?  
 18 A It takes five bags to fill the tank, and, um --  
 19 and we have to fill it about twice a month.  
 20 Q Do you have any fuel tanks or any gasoline tanks  
 21 or anything like that on your property?  
 22 A No.  
 23 Q There's not a 250 gallon tank there that you can  
 24 fill up your cars with or anything like that?  
 25 A No.  
 26 Q Is there a shop or a work place or anything like  
 27 that on or near your home?  
 28

1 A I have a quonset building there, but there's -----  
 2 Q Is anything kept in there?  
 3 A No. It's just mainly for -- we keep our cars or  
 4 whatever in there when the weather gets really bad or.  
 5 Q Okay. You don't store anything else ----  
 6 A No.  
 7 Q --- unusual in there?  
 8 A No.  
 9 MR. WEBSTER: I think that's all I've got.  
 10 MR. DOLAN: I have no questions. I guess you're done,  
 11 Trivian.  
 12 (THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN  
 13 CONCLUDED AT 3:15 P.M.)  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1 CERTIFICATE  
 2 STATE OF MONTANA  
 3 COUNTY OF ROOSEVELT )  
 4 I, JOANN D. HESER, Official Court Reporter, Fifteenth  
 5 Judicial District, and a Notary Public duly qualified in and for  
 6 the State of Montana, hereby certify there came before me the  
 7 deponent herein, namely TRIVIAN GRAINGER, who was by me duly  
 8 sworn to testify to the truth and nothing but the truth  
 9 concerning the matters in this cause.  
 10 I further certify that I was the Official Court Reporter  
 11 who reported, by means of LANIER recorder, this deposition. The  
 12 testimony therein and other proceedings herein contained are a  
 13 true and correct transcription of the original tapes and my  
 14 notes, TO THE BEST OF MY ABILITY.  
 15 I further certify that I am not related in any manner to  
 16 any party, witness, or counsel and have no financial or other  
 17 interest in the outcome of the above entitled cause.  
 18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
 19 my Notarial Seal this 27th day of June, 2001.  
 20 \_\_\_\_\_  
 21 Joann D. Heser  
 22 NOTARY PUBLIC  
 23 My Comm. exp. 7/2/2004  
 24  
 25  
 26  
 27  
 28

1 DEPONENT'S CERTIFICATE  
 2 I, TRIVIAN GRAINGER, do hereby certify that I have read the  
 3 foregoing transcript of my testimony and that the same is a  
 4 full, true and correct record of my deposition except as to any  
 5 corrections I have listed on the Corrections to Deposition form.  
 6 \_\_\_\_\_ Changes and corrections made.  
 7 \_\_\_\_\_ No changes or corrections made.  
 8  
 9 TRIVIAN GRAINGER  
 10 Subscribed and sworn to before me this \_\_\_\_\_ day of  
 11 \_\_\_\_\_, 2001.  
 12

13 NOTARY PUBLIC for the State of Montana  
 14 Residing at \_\_\_\_\_, Montana  
 15 My Commission expires \_\_\_\_\_  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1 CORRECTIONS TO DEPOSITION  
 2  
 3 The Deponent, TRIVIAN GRAINGER, states she wishes to make  
 4 the following changes in testimony as originally sworn:  
 5 

PAGE	LINE	SHOULD READ	REASON
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			

  
 21 TRIVIAN GRAINGER  
 22  
 23  
 24  
 25  
 26  
 27  
 28



-*-	490 [1] 2:9	answer [1] 26:10	Buckles [1] 8:4	concerned [1] 15:14
'69 [1] 30:5	-5-	anyway [2] 12:23 17:12	Bud [4] 22:25 23:7,8,13	concerning [1] 38:9
'80's [1] 13:17	53 [2] 24:9,13	apart [2] 16:27 26:21	building [4] 2:4 11:21	CONCLUDED [1] 37:13
'83 [12] 8:26 11:24,26	59101 [1] 2:9	appearances [2] 2:1 4:4	14:22 37:1	conditioner [1] 36:17
12:11,14,16,17,26,27 14:7	59103 [2] 2:13,22	appreciate [1] 26:12	built [6] 11:19 12:5 29:10	confuse [1] 5:24
15:9 20:16	59103-0849 [1] 2:17	approached [1] 23:4	30:11 35:16,18	confused [1] 32:19
'88 [2] 11:23 12:7	59771-6580 [1] 2:5	area [3] 21:26 24:22 25:7	Bureau [1] 3:19	conjunction [2] 12:8
'89 [15] 9:8 10:20 11:12	-6-	arises [1] 25:5	burst [1] 34:26	14:21
11:21,23,26 12:5,7 13:10	63 [1] 28:3	arose [1] 35:7	business [1] 16:12	cons [1] 30:19
14:9,15,16 17:26 18:1,22	6580 [1] 2:5	Arts [1] 6:20	buy [1] 18:14	constructed [1] 29:10
'90 [1] 17:12	-7-	associate [2] 6:20 17:2	buying [1] 20:6	contacted [1] 11:16
'91 [1] 20:24	7/2/2004 [1] 38:22	assumed [1] 15:27	-C-	contained [1] 38:12
'95 [9] 5:14 10:4,7,11,23	7188 [1] 2:21	attention [1] 17:6	cancer [4] 21:16 24:8,17	contamination [1] 22:26
16:16,20,23 17:21	-8-	ATTORNEY [5] 2:2,7	25:5	context [1] 4:22
-1-	849 [1] 2:16	2:10,14,18	capped [1] 9:22	contracting [1] 25:8
1200 [1] 2:20	-9-	Authority [5] 3:19 29:19	care [3] 16:15,25 24:9	Cooking [1] 34:4
12th [1] 4:2	98-108-BLG-JDS [1] 1:9	32:15 36:11,13	cars [2] 36:24 37:3	copy [1] 28:21
1900 [1] 2:12	-A-	aware [4] 22:22 23:25	CARY [1] 1:5	corner [2] 26:7 27:18
1983 [2] 8:10 20:15	A.A. [2] 6:16,18	27:14 31:10	case [8] 4:27 5:5,15 7:20	CORP [1] 1:16
1989 [8] 10:10,18,27	ABILITY [1] 38:14	away [6] 19:20 21:14 27:1	8:13 23:13 30:26 31:8	corrals [1] 9:25
11:10 18:25 29:11 30:12	above [1] 38:17	34:26 36:2,3	caused [3] 11:12 15:23	correct [8] 5:1 11:10 26:3
33:10	acquaintances [1] 22:17	-B-	15:24	26:14 27:5,19 38:13 39:4
1990 [1] 20:23	acre [1] 32:13	bad [11] 12:13,15,17,18	causing [1] 17:4	corrections [6] 3:11
1991 [1] 33:12	acres [4] 7:24 32:17,18	14:2 17:4 20:3 22:18 24:2	Center [1] 2:20	39:5,5,6,7 40:1
1995 [1] 20:9	32:21	25:4 37:4	certain [1] 13:13	correctly [2] 5:27 26:2
1999 [1] 18:19	activity [3] 17:4 22:5,7	bags [1] 36:18	certainly [1] 6:27	counsel [2] 4:4 38:16
-2-	Adam [1] 31:16	BALDWIN [1] 2:3	CERTIFICATE [4] 3:9	country [2] 15:26,27
200 [2] 1:24 4:3	address [1] 14:24	basis [1] 34:15	3:10 38:1 39:1	County [5] 4:23,24,27
2001 [4] 1:23 4:3 38:19	advance [1] 11:16	bathe [1] 19:2	certify [4] 38:6,10,15	5:11 38:3
39:11	Affairs [1] 3:19	bathing [3] 18:27 19:5	39:2	Court [8] 1:2 3:9 4:5 5:16
24th [1] 2:17	affects [1] 24:12	19:12	changed [1] 17:26	28:18,26 38:4,10
250 [1] 36:23	affixed [1] 38:18	become [1] 13:15	changes [3] 39:6,7 40:3	cover [1] 32:16
2559 [1] 2:13	again [2] 26:27 27:17	beginning [2] 12:26 20:9	child [1] 30:2	Cross [1] 1:14
27th [1] 38:19	against [3] 4:23,24,27	BELLINGHAM [1] 2:12	children [1] 24:12	Cross-Defendants [1] 1:21
29 [1] 3:7	ago [3] 18:10 22:23 32:2	benzene [8] 21:6,9,23	choice [2] 12:21 13:4	CROWLEY [1] 2:8
2:11 [2] 1:23 4:2	Ah-h [1] 17:15	22:2 24:19,21 25:6,9	circumstances [1] 5:9	CV [1] 1:9
-3-	ahead [1] 30:20	best [2] 23:20 38:14	clear [3] 10:17 15:17,22	
31 [2] 3:8 31:21	Ajax [1] 27:21	BESTWAY [1] 1:16	clearer [1] 13:24	
315 [1] 2:17	al [2] 1:5,8	better [3] 17:27 30:24,25	clears [1] 18:7	
31st [2] 2:9,21	alive [1] 35:5	big [2] 15:3 34:21	close [3] 16:27 19:17	
32 [6] 3:18 28:19,21 30:5	allege [1] 24:1	Billings [5] 1:3 2:9,13	35:12	
31:20,21	almost [3] 32:22 34:17	2:17,22	closed [1] 9:22	
33 [7] 3:19 26:7 27:18,22	along [1] 11:15	bit [6] 5:9 13:16,24 15:1	clothes [2] 12:19 15:5	
28:27 29:2 30:5	alright [4] 5:26 7:2 12:20	15:22 22:5	cold [2] 14:2,4	
34 [1] 27:24	always [6] 7:18 15:8,14	black [1] 14:4	color [2] 13:26,27	
35 [1] 2:4	16:11,15 31:23	blackish [1] 13:25	colored [1] 13:25	
38 [1] 3:9	Amarco [2] 1:16 27:27	blame [2] 19:5,15	coming [2] 12:14 34:22	
39 [1] 3:10		body [1] 19:11	Comm [1] 38:22	
3:15 [1] 37:13		born [1] 30:5	Commission [1] 39:14	
-4-		bothered [2] 16:14,15	committed [1] 5:10	
4-50 [1] 1:20		bottled [2] 33:14,16	companies [3] 22:17	
40 [1] 3:11		Box [3] 2:5,13,21	23:26 27:7	
401 [1] 2:21		Bozeman [1] 2:5	company [4] 2:7,10,14	
		break [3] 6:23,27 7:1	22:24	
		bring [3] 6:3,6 18:14	compensated [1] 24:6	
		brought [1] 21:17	complaint [1] 30:9	
		BROWN [1] 2:16	concern [3] 15:11 24:17	
			25:5	

11:2 19:24,27 20:2,5 24:19 Denise's [5] 9:4,14,18 19:17 26:27 deponent [6] 3:3 26:18 28:23 29:3 38:7 40:3 DEPONENT'S [2] 3:10 39:1 deposed [4] 4:20 5:17 7:8 22:22 deposition [13] 1:13 3:11 4:1 5:20 6:1 7:11 28:18,26 37:12 38:11 39:4 39:5 40:1 describe [2] 13:19,21 description [1] 32:11 designation [2] 9:6 10:26 develop [1] 24:11 developed [1] 19:3 die [1] 16:19 died [1] 7:21 DIETRICH [1] 2:8 difference [1] 14:17 different [5] 7:4 9:9 36:5 36:6,12 dig [1] 35:24 direction [1] 27:12 discussed [1] 19:9 disease [1] 25:8 dishes [1] 18:27 distance [2] 19:18,25 District [3] 1:2,3 38:5 DIVISION [1] 1:3 DNRC [1] 3:18 doctor [2] 19:7,9 documents [3] 6:3,8 18:16 Dolan [5] 2:3,3 6:9 18:16 37:10 done [1] 37:10 DORSEY [1] 2:20 double-wide [1] 12:4 down [2] 24:14 25:18 drains [1] 34:20 drank [3] 12:21 18:5 33:10 Drawer [1] 2:16 drill [2] 11:12,19 drilled [8] 10:18,27 11:10 13:9 14:9 18:2 26:14,22 drilling [1] 14:21 drink [4] 12:20 13:4,6 18:4 drinking [5] 15:13 18:8 18:12,18 33:27 drive [1] 13:21 dry [2] 19:14,15 dryer [1] 15:3 duly [3] 4:11 38:5,7 dwelled [1] 17:10	-E- E [1] 2:8 early [1] 22:11 east [5] 1:24 4:3 21:24 27:14 28:12 education [3] 6:15,17 6:18 effect [1] 24:14 eight [1] 20:22 Eighteen [1] 31:15 either [4] 23:26 31:2 32:20 36:2 employee [1] 23:21 employees [1] 31:9 Enterprise [1] 36:10 entire [3] 8:15 13:9 31:25 entitled [1] 38:17 Environmental [1] 21:13 EPA [2] 25:3,6 Esq [5] 2:3,8,11,15,19 established [1] 11:9 et [2] 1:5,8 everybody [1] 11:14 examination [9] 3:5,6,7 3:8 4:11,13 25:23 29:8 31:6 except [1] 39:4 excluding [1] 9:14 excuse [2] 4:24 26:7 Exhibit [8] 25:27 26:5 26:19,20 28:19,21,26 29:2 EXHIBITS [1] 3:16 exp [1] 38:22 expires [1] 39:14 Explain [1] 5:9 Exploration [2] 2:7 31:8 exposed [1] 24:8 exposing [1] 21:16 extended [1] 32:3	fields [1] 22:24 Fifteenth [1] 38:4 figured [1] 15:15 fill [3] 36:18,19,24 film [2] 15:6,8 final [1] 29:21 financial [1] 38:16 fine [1] 34:11 FIRM [1] 2:16 first [8] 2:20 4:11 13:14 17:23 22:10 23:11 35:8 35:21 fishing [1] 28:5 five [5] 8:27 24:10 30:7 35:3 36:18 flecks [1] 14:5 following [2] 4:7 40:3 follows [1] 4:12 football [2] 19:20 27:1 foregoing [1] 39:3 form [1] 39:5 Fort [4] 11:14 29:12 32:15 36:10 four [2] 28:7 35:21 Francis [1] 29:5 Friday [1] 33:26 friends [2] 16:2 22:16 front [1] 25:26 fuel [1] 36:20 full [2] 20:7 39:4 funny [1] 13:18	grass [1] 12:24 grease [1] 15:4 greasy [1] 15:6 ground [5] 22:25 24:22 26:21 34:22,23 group [2] 1:17 36:11 grow [6] 12:24,25 20:13 20:14,18,21 guess [9] 7:18 17:1,6 19:16 28:1 29:3,16 32:19 37:10 guy [1] 20:1	husband's [2] 16:17 29:6 Hydrocarbons [3] 2:18 29:10 31:3
	-I- idea [1] 25:15 IDENTIFICATION [2] 28:19,27 identified [1] 30:8 imagine [1] 29:14 INC [2] 1:8,12 INC. [2] 1:16,17 INDEX [1] 3:1 Indian [1] 3:19 indicated [1] 26:2 Indicates [4] 9:21 21:3 21:27 26:4 indication [2] 21:5,8 inherited [1] 7:21 injuries [1] 25:11 Inn [2] 1:24 4:3 interest [1] 38:17 Interstate [1] 2:20 involved [1] 7:5 Involving [2] 5:7,8 irrigating [1] 20:11 issue [1] 7:20		-H- half [2] 7:25,26 hand [1] 38:18 HANSON [1] 2:8 hardly [1] 15:2 hate [1] 24:11 HAUGHEY [1] 2:8 haul [1] 18:13 hailed [1] 12:22 head [2] 6:12,24 health [5] 15:12 16:5 21:13 24:8,16 hear [2] 21:11 22:26 heard [8] 17:23 21:5,8 22:27 23:10,11,15 28:11 heavy [1] 15:8 help [1] 14:27 her's [1] 11:3 hereby [2] 38:6 39:2 herein [2] 38:7,12 hereinbefore [1] 4:5 hereunto [1] 38:18 herself [1] 31:24 Hi [1] 4:14 hold [1] 35:20 home [6] 8:20 12:8 24:10 31:23 34:6 36:27 hope [1] 4:15 hopefully [1] 14:24 horses [8] 9:26 10:6,12 10:13,14,19,23 20:9 hot [2] 14:1 28:11 house [33] 9:8 10:9,10 11:4,8,18,21 12:3,5 14:22 15:18 17:5 19:17,17 27:5 27:11,12,12 29:4,10,13 30:11,15 32:21,24,25 34:14 35:8,10,12,14,15 35:18 household [1] 29:23 houses [1] 19:25 Housing [10] 3:19 11:13 11:14 29:12,15,15,19 32:15 36:11,13 Howard [2] 3:18 16:18 Hull [1] 21:22 husband [5] 5:8 7:21 16:10 17:22 35:4	
	-G- G [1] 1:5 GALLIK [1] 2:3 gallon [1] 36:23 garden [2] 12:25 20:13 gardens [1] 20:11 Gas [1] 23:23 gasoline [1] 36:20 generally [1] 36:16 Gerry [2] 2:11 4:14 given [1] 6:9 giving [1] 36:4 GOETZ [1] 2:3 gone [6] 19:7 24:16,16 25:18,18 32:3 good [2] 13:2 30:21 Grace [1] 31:2 Grainger [11] 1:15 3:4 3:18 4:2,10 30:8 38:7 39:2 39:9 40:3,21 Graingers [1] 18:17 Grand [1] 2:4 granddaughter [3] 24:10 29:25,26 granddaughter's [1] 29:27 grandfather [1] 29:6		-J- J [1] 2:3 Jack [1] 1:10 jail [1] 5:10 John [3] 1:20 2:15 25:24 Jordan [3] 30:1,6,8 Judge [1] 1:10 Judicial [1] 38:5 June [3] 1:23 4:3 38:19	
	-F- Fagan [5] 2:11 3:5 4:13 4:14 25:21 fairly [2] 33:21 35:20 familiar [6] 27:7,22,25 28:1,3,8 family [3] 7:5 18:18 19:12 far [3] 22:3 26:21 31:1 farmer [1] 22:25 faucet [1] 13:23 fee [2] 7:22 32:27 feet [6] 11:5,7,27 26:25 26:26 35:14 few [6] 11:5,7,27 26:25 26:26 35:14 field [5] 17:3 19:20 21:25 27:1 28:12		-K- keep [5] 6:25 20:6 35:26 36:6 37:3 keeping [1] 20:7 Ken [1] 21:22 kept [1] 37:2 Ketterer [1] 2:4 kids [2] 21:16 25:13 kind [11] 6:15 7:16 13:12 13:20,25 15:4 16:21 17:1 19:27 35:1 36:7 kinds [1] 24:5 knew [2] 30:12,15 knowledge [1] 23:21	
			-L- L [1] 2:19 lagoon [1] 13:21 land [2] 9:16 30:17	



last [3] 10:2 18:11 34:7 LAW [1] 2:16 lawsuit [10] 4:23 7:6 22:22,26 23:4,6,15 25:2,3 25:26 lawyers [1] 7:14 lease [4] 3:19 29:3 32:15 32:20 leases [1] 9:15 least [7] 12:20 18:10 31:12 33:11,12 34:9 35:3 leave [3] 13:23 18:5,6 left [2] 15:3 32:8 legal [1] 32:10 less [1] 24:9 Lien [4] 22:25 23:7,8,13 LINE [1] 40:4 listed [1] 39:5 live [11] 8:5,11,12,18,22 11:26 12:1 16:27 30:17 30:18,21 lived [11] 8:9,15,16,24 15:26,27 31:20,23,25 32:5 35:15 lives [2] 24:10 29:23 living [3] 9:15 31:24 35:9 locate [1] 27:17 located [2] 26:1 27:10 location [1] 35:11 Log [1] 3:18 loner [1] 17:1 longer [2] 10:14 20:8 LONGO [1] 2:12 look [1] 26:5 looking [1] 26:19 luck [1] 30:24	may [1] 25:6 mean [11] 12:20 15:16,17 16:14,27 21:2 23:7 24:12 24:16 34:12 36:13 means [1] 38:11 meant [1] 18:21 members [2] 7:5 19:12 mentioned [3] 23:9 24:21 25:4 Mesa [3] 1:11 25:25 28:8 Michael [1] 2:8 mid [1] 18:19 mid-80's [1] 22:11 might [7] 6:3 15:24 17:4 19:19 22:18 30:23,24 Mike [1] 31:7 miles [2] 8:27 16:27 mind [1] 4:15 monitoring [1] 9:5 Montana [12] 1:3 2:5,9 2:13,17,22 4:4,6 38:2,6 39:13,14 month [1] 36:19 mortgage [1] 32:23 Motor [2] 1:24 4:3 MOULTON [1] 2:12 move [4] 21:14,14,14 32:25 moved [12] 9:8 10:10 11:22,23,24 12:7,11,26 22:10 32:1 35:1,8 moving [1] 8:22 MT [1] 1:24 Murphy [8] 1:8 2:7 22:23 28:3,6 31:8,9,10 Must [1] 11:22	niece [1] 8:2 ninety [1] 17:21 Ninety-nine [1] 18:20 Nope [1] 9:23 north [7] 2:4,9,17,21 11:5 11:27 27:13 northeast [3] 26:6 27:15 27:18 northwest [1] 26:7 Notarial [1] 38:19 Notary [4] 4:6 38:5,21 39:13 noted [1] 4:5 notes [1] 38:14 nothing [2] 31:5 38:8 notice [4] 6:1 14:3 15:6 19:1 now [13] 6:16 12:1,11 14:9 18:16 19:3 26:1,5,19 27:21 31:26 33:16 35:12 number [1] 27:4	<hr/> <b>-P-</b> <hr/> P [2] 2:11 29:5 P.C [3] 2:3,12,16 p.m [3] 1:23 4:2 37:13 P.O [4] 2:5,13,16,21 page [4] 3:5,17 28:24 40:4 paid [1] 17:6 paper [2] 24:23,26 parens [1] 26:17 part [1] 29:16 party [4] 1:13,18 21:20 38:16 past [1] 17:21 pay [5] 32:21,24 33:3,3 33:18 paying [1] 29:18 payment [1] 29:21 payments [1] 29:19 Peck [5] 3:19 11:14 29:12 32:15 36:10 pen [1] 26:13 people [3] 16:23 17:15 24:27 per [1] 36:16 perhaps [1] 33:12 period [2] 32:3 35:19 Petroleum [4] 1:11,17 25:25 31:2 phrase [1] 5:27 physical [1] 25:11 Pioneer [3] 1:11 2:14 25:25 pipe [1] 36:7 pipeline [1] 28:12 pipes [6] 34:14,26 36:2,4 36:4,5 place [5] 1:24 25:16 26:1 28:5 36:26 plaintiff [2] 4:25 5:3 plaintiffs [5] 1:6,13,14 2:2 8:13 planted [1] 12:25 plants [1] 20:12 Plaza [1] 2:12 plenty [1] 33:25 Point [2] 1:24 4:4 poor [3] 30:12,16,20 Poplar [6] 8:24,25 21:24 22:24 28:12,13 portion [1] 32:16 poured [1] 14:1 premises [1] 27:17 prepared [1] 27:16 present [2] 29:13,23 pretty [3] 12:13,15 20:3 previous [1] 23:5 price [1] 24:8 problem [3] 22:18 34:18	35:2 problems [8] 14:24 19:1 35:5,7,16,19,23,27 proceedings [2] 4:7 38:12 produced [1] 21:20 PRODUCTION [1] 2:7 program [1] 6:12 pronouncing [1] 4:18 properly [1] 34:25 property [21] 7:19 8:5,9 8:23,25 9:1,12 11:24 12:11 13:2 22:5 25:15 32:10,16,19,23,27 33:5,5 35:1 36:21 pros [1] 30:19 provided [1] 33:19 PRUDENTIAL [1] 1:17 Public [4] 4:6 38:5,21 39:13 pump [1] 34:11 pumping [1] 34:13 purpose [2] 9:27 10:5 purposes [4] 18:26 28:19 28:27 34:3 put [11] 9:9 14:13,22 20:1 20:2 24:7 26:17 30:14 32:21 35:24 36:5 putting [1] 36:6
<hr/> <b>-M-</b> <hr/> M36 [3] 11:2 19:24 26:27 M37 [2] 26:6,20 M38 [12] 10:27 11:9 17:26 19:24 20:26 21:23 26:2,5,14,17,20 28:15 Madison's [1] 17:16 Main [2] 1:24 4:3 makes [2] 21:16 25:7 manner [1] 38:15 map [4] 25:26 26:18 27:16 27:21 Mapco [1] 27:24 Marathon [3] 2:10 4:15 23:21 Marissa [1] 8:4 marked [4] 25:27 28:18 28:20 29:1 marks [2] 26:18 28:26 Martell [1] 22:21 MATHER [1] 2:12 matter [1] 26:26 matters [1] 38:9	<hr/> <b>-N-</b> <hr/> name [10] 4:14 8:3 16:17 22:25 25:1,24 26:13,16 29:27 31:7 name's [1] 29:9 namely [1] 38:7 names [2] 25:1 27:7 Natural [3] 1:12 2:14 25:25 near [1] 36:27 need [5] 6:22,22,27 24:5 34:19 neighbors [2] 16:2,26 nervous [2] 6:21,22 never [13] 15:2,2,18,26 16:15,26 17:1,6,8 19:7,9 20:14 22:16 new [23] 10:18 11:12,14 11:16,19,21 12:5,8,9 13:9 14:9,21,22 15:18 26:2 29:10 30:11,15,23,24 35:15,18,24 newer [1] 26:23 next [1] 26:20	<hr/> <b>-O-</b> <hr/> oath [2] 4:12 5:22 occupation [1] 6:11 off [3] 21:14 32:21,25 office [1] 17:16 Official [3] 4:5 38:4,10 officials [2] 16:5,6 oil [18] 1:8 2:10 4:15 15:4 17:3 21:24 22:5,5,17,23 22:23,24 23:21,23 27:4 27:17 28:6,12 oily [1] 18:3 old [15] 9:7,20 10:17,19 10:24 12:3,14 15:16,17 24:9,10 26:23 30:4,6 31:14 once [1] 34:9 one [12] 9:12,17,19,20,22 11:22 18:16 19:24 20:2 23:7 34:26 35:24 one's [1] 22:1 onto [2] 8:22 12:11 open [1] 19:11 operate [1] 27:8 operated [1] 23:25 oral [1] 4:1 orange [1] 13:26 order [1] 13:24 original [1] 38:13 originally [1] 40:3 outcome [3] 5:15 23:18 38:17 own [9] 7:19,22,25,26 8:1 29:15 32:10,16,18 owned [3] 23:25 32:27 32:27 owns [1] 29:13	<hr/> <b>-Q-</b> <hr/> qualified [1] 38:5 quality [10] 12:12,15,17 14:12,25 15:24 30:12,16 30:20 31:12 questions [5] 5:24 25:21 29:7 37:10,12 quickly [1] 35:20 quit [7] 10:7,11,24 18:8 20:13 22:13 34:20 quite [1] 22:4 quonset [1] 37:1	<hr/> <b>-R-</b> <hr/> ran [1] 14:2 rashes [2] 19:3,9 read [2] 39:2 40:4 reading [1] 24:25 realizing [1] 30:19 really [19] 11:3 14:3 16:9 16:26 17:1,2,6,8,9,15 20:6 21:4 22:16 24:7 25:20 28:17 32:20 36:8 37:4 REASON [1] 40:4 reasonable [1] 19:21 received [1] 5:27 receiving [1] 33:16 recollect [1] 31:1 record [1] 39:4 recorder [1] 38:11



referring [1] 18:18 related [1] 38:15 relation [1] 11:4 relatives [2] 16:3 22:17 relevant [2] 6:4,8 remember [3] 16:10 20:1 24:25 Rene [5] 22:21 23:1,3,11 23:13 Renz [1] 29:5 Renz-Fort [1] 3:19 replace [2] 24:16 34:13 replacement [1] 34:19 report [8] 3:18 17:11 21:17,18,21,21 24:19 25:6 reported [1] 38:11 Reporter [6] 3:9 4:6 28:18,26 38:4,10 represent [4] 4:14 25:24 29:9 31:7 representatives [1] 31:9 Residing [1] 39:14 Resources [4] 1:12,16 2:14 25:25 respect [1] 27:10 responsible [1] 15:25 Richard [1] 2:3 rid [2] 10:23 12:5 right [15] 4:18 6:16 8:7 8:26 9:18 11:2,24 19:22 20:9 22:2,19,20 26:16,20 26:23 road [2] 24:14 35:13 Rob [1] 29:9 Robert [1] 2:19 ROOSEVELT [1] 38:3 root [1] 22:18 Ross [7] 2:15 3:6 25:23 25:24 28:20 29:1,7 rotted [1] 34:26 rotting [2] 36:2,3 run [2] 13:22 15:21 running [5] 13:23 18:5,6 18:6 28:12 rust [3] 13:26 14:1 15:1	27:21,24,27 security [1] 32:22 see [5] 11:18 24:11 26:7 28:6 34:21 seem [1] 13:14 seismograph [1] 22:7 separate [3] 9:10,25 10:9 septic [5] 11:6 34:5,16 34:24 35:16 service [1] 20:1 set [1] 38:18 settled [1] 5:16 Seventeen [1] 31:17 sewer [1] 13:21 Shanstrom [1] 1:10 Sheraton [1] 2:12 Sherman [2] 1:24 4:3 shop [1] 36:26 show [3] 27:16 28:20 29:1 showed [2] 21:17 24:19 shows [5] 26:5,6,20 27:17 27:21 site [1] 30:15 six [1] 35:3 skin [3] 19:1,14,15 slowed [1] 22:14 smell [2] 13:18,19 smelled [1] 13:22 soft [1] 20:1 softener [2] 14:13 16:25 sold [2] 10:13 20:10 someone [2] 34:10 35:24 someplace [1] 24:22 sometime [2] 17:11,12 son [1] 31:14 sons [2] 8:12 29:24 sores [1] 19:11 sorry [1] 26:11 sort [1] 32:22 sound [2] 11:2 19:20 sounds [2] 17:8 19:23 southeast [2] 11:7,7 specific [1] 22:1 spoken [1] 31:1 spot [1] 34:21 stains [2] 15:4,4 stand [1] 6:19 start [5] 6:12 10:7 13:1 14:7 16:23 started [2] 13:16 20:16 State [4] 4:6 38:2,6 39:13 states [2] 1:2 40:3 status [2] 32:27 33:1 stayed [2] 17:27 25:18 Sterup [5] 2:19 3:7 29:8 29:9 31:5 still [8] 8:18 9:24 14:4,19 14:20 26:19 29:15 35:4 stop [1] 5:25	stopped [2] 18:17,18 store [1] 37:5 straight [1] 6:25 Street [3] 2:9,17,21 stuff [1] 7:16 Subscribed [1] 39:10 successor [1] 25:25 sudden [1] 34:21 sued [1] 22:24 sufficient [1] 33:27 suicide [1] 5:10 Suite [1] 2:12 supplied [1] 18:17 suppose [1] 12:22 sworn [4] 4:11 38:8 39:10 40:3 system [5] 14:22 34:6,16 34:25 35:16	together [1] 10:24 toilets [1] 34:19 too [5] 12:9 14:14 19:16 20:2 23:14 took [2] 15:1 17:18 TOOLE [1] 2:8 top [1] 15:8 total [2] 9:17 20:26 towards [2] 6:16 28:12 town [5] 8:24 18:14 28:13 30:18 31:24 tract [1] 32:13 trailer [8] 12:3,4,6 35:10 35:10,11,11,16 transcript [1] 39:3 transcription [1] 38:13 treatment [1] 14:22 trees [1] 12:24 Tribal [2] 16:5 24:23 Tribe [1] 17:15 Tribes [1] 36:15 tried [3] 12:23 21:18 36:5 trip [1] 7:3 Trivian [19] 1:15 3:4 4:2 4:10,14,16 7:19 18:9 24:1 25:22,24 29:9 31:7 37:11 38:7 39:2,9 40:3,21 trouble [2] 34:5 35:9 truc [3] 35:20 38:13 39:4 trust [3] 32:27 33:7,8 truth [2] 38:8,8 trying [6] 6:25 7:3 20:13 20:16,20 24:25 Tuesday [1] 1:23 Turn [1] 13:23 turned [1] 30:26 twenty [3] 7:25,26 22:23 Twenty-five [1] 6:14 Twenty-four [1] 31:19 twice [1] 36:19 two [11] 9:2,5,11,18 19:23 24:14 32:2,8,17,18,20 types [1] 36:5 typo [1] 18:21	used [10] 9:26 10:2,19 14:1 15:2 16:10 18:25 22:8 28:5 35:9 uses [1] 19:24 USGS [2] 21:21 27:16 using [6] 10:7,9,11,24 14:20 19:1
<hr/>				
<b>-V-</b>				
<hr/>				
value [1] 25:15 vicinity [2] 27:5,11 vs [3] 1:7,15,19				
<hr/>				
<b>-W-</b>				
<hr/>				
walk [1] 35:13 Walker [1] 2:15 walking [1] 19:18 wanting [1] 17:23 wash [1] 12:19 washer [1] 15:3 washing [1] 18:27 water [65] 9:1,26 10:12 10:14,19 12:12,14,15,17 12:19,22 13:2,6,12,23 14:1,10,13,22 15:6,14,21 15:24 16:1,3,8,13,24 17:4 17:13,18,24,26 18:5,5,8 18:12,13,18,25 19:2,5,27 20:25 22:18,25 24:2,22 25:4,9,10 28:11 30:12,15 30:20,21,24 31:12 33:10 33:14,16,27 34:22 36:1 36:17 water's [1] 20:3 watered [1] 20:8 watering [3] 10:6 12:24 20:11 weather [2] 19:16 37:4 Webster [5] 2:8 3:8 31:6 31:7 37:9 week [1] 36:17 weighed [1] 30:19 wells [12] 9:1,6,11,17 19:23 22:5 23:25 27:4,8 27:10,17 28:6 WESTDALE [1] 1:16 wct [1] 34:21 wherein [1] 4:24 WHITNEY [1] 2:20 wishes [1] 40:3 within [2] 27:4 34:7 witness [2] 38:16,18 Wolf [2] 1:24 4:3 wonder [3] 15:19,23 17:3 works [2] 5:20 34:11 worried [1] 25:8 worry [2] 15:11,12 worse [3] 13:16 17:27 20:4 write [3] 25:27 26:13,16 wrong [1] 18:21				

wrongful [1] 5:6 <hr/> -Y- year [9] 5:13 24:10 32:4 32:5,8 34:7,9 36:7,7 yearly [2] 34:15 35:2 years [16] 6:14 9:8 18:6 18:10,11,24 20:22 22:23 24:9,14 32:2 33:11,12 35:3,21,22 Yellowstone [4] 4:23 4:24,27 5:11 yesterday [3] 7:8 19:19 22:21 yet [1] 29:18 YOUPEE [1] 1:5				
---	--	--	--	--